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Convention on the Rights of the Child

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Committee on the Rights of the Child
Seventy-eighth session

Summary record of the 2291st meeting
Held at the Palais Wilson, Geneva, on Friday, 18 May 2018, at 10 a.m.

Chair: Ms. Winter

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The meeting was called to order at 10.05 a.m.

Consideration of reports of States parties (*continued*)

Combined second and third periodic reports of Montenegro (CRC/C/MNE/2-3; CRC/C/MNE/Q/2-3 and CRC/C/MNE/Q/2-3/Add.1)

1. *At the invitation of the Chair, the delegation of Montenegro took places at the Committee table.*

2. **Mr. Kuševija** (Montenegro) said that, during the reporting period, his Government had significantly improved the legislative and strategic framework governing the protection of children's right, which was in line with international standards. In that connection, legislation on the competencies of the Council for the Rights of the Child had been adopted, and measures had been taken to ensure the participation of civil society and children in its work. Furthermore, the role of the Protector of Human Rights and Freedoms — the Ombudsman — in protecting the rights of the child had been strengthened. Successful awareness-raising campaigns had been carried out in collaboration with the United Nations Children's Fund (UNICEF), among others, in the areas of inclusive education, the elimination of the sexual abuse of children and deinstitutionalization.

3. The Family Law and the Law on Social and Child Protection established foster care as the preferred form of alternative care and strengthened the obligation on the State to provide monetary benefits to foster families. As a result of government efforts, the number of children living in institutions had fallen, while the number of children in foster care, especially non-kinship foster care, had increased. No children under the age of 3 years were living in institutions.

4. The Institute for Social and Child Protection and the Social and Child Protection Inspectorate had been established as part of the reform of the social and childcare system. Child benefit, the one-time benefit for a newborn child and other benefits for childbirth had been increased to ensure higher quality care for children.

5. Ongoing awareness-raising campaigns provided information on the role of the Ombudsman, the rights of the child and the importance of eliminating all forms of harassment and violence against children. Those efforts included the distribution of thematic leaflets and publications on child rights and the implementation of educational programmes, such as seminars on Internet safety.

6. All children were entitled to enrol in school, regardless of their immigration status. Under the Law on Asylum, asylum-seeking children had the right to free primary and secondary education in State schools. Increasing numbers of children with disabilities were attending regular schools. Special schools had been transformed into resource centres to support the inclusion of children with disabilities in mainstream schools.

7. The prevention of violence against children was one of the Government's key legislative and strategic objectives. In that connection, it had adopted a strategy for the period 2017-2021 aimed at preventing and protecting children from violence. The corresponding action plan detailed the measures to be taken, the implementing institutions and the expected outcomes.

8. The Criminal Code had been amended to bring it into conformity with the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse. Under the amendments, the commission of a hate crime against a person from a particularly vulnerable group, including children, should be considered by a court to be an aggravating circumstance for sentencing. Stalking was now considered a criminal offence, in line with the provisions of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence. When committed against a child, the offence carried a prison sentence of from 3 months to 5 years. The Criminal Code had been amended in order to ensure compliance with articles 2 and 3 of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, particularly the provisions regarding the sale of children for sexual exploitation and the sale of organs for profit.

9. The Law on the Treatment of Juveniles in Criminal Proceedings had been amended to increase protections and to bring it into line with the new law on the enforcement of prison sentences, fines and security measures.

10. An independent external analysis of the implementation of the 2013–2017 National Plan of Action for Children conducted in late 2017 had resulted in a number of recommendations relating to, among other things, its effectiveness and the monitoring of children's welfare. Those recommendations would inform the new plan that was currently under development. The plan, which would be aligned with other strategic documents in order to render it more effective than its predecessor, would provide for improved cooperation with stakeholders and awareness-raising measures on sexual exploitation, forced marriage, child labour and deinstitutionalization.

11. The Social Welfare Information System, which was now operational, encompassed data collection, case management, reporting, monitoring and control. The System facilitated effective reporting and the generation of valid statistical data relating to children.

12. Civil society continued to contribute to the protection of children's rights by participating in the drafting of legislation and strategic documents, supporting the work of the Council for the Rights of the Child, conducting awareness-raising activities, defining child protection procedures and participating in children's parliaments.

13. The Government would continue to assist municipalities in the implementation of legislation and provision of services. The protection of the most vulnerable children was of particular importance and would continue to inform public policy. He wished to emphasize that much work had been done to improve services, in line with European standards.

14. **Mr. Gastaud** (Coordinator, Country Task Force) said that, despite the State party's commendable efforts, the Committee had a number of concerns relating to children's rights in various fields. In terms of legislation, the State party had no code or general law that incorporated the standards of the Convention into its internal legal order. Despite its broad remit, the Council for the Rights of the Child was not empowered to ensure coordination among ministerial departments; he therefore wondered what the achievements of the Council had been and whether the Government intended to strengthen its powers and endow it with higher institutional status. He would appreciate further details on the content, goals and time frame of the new plan of action for children. He would like to know how the Government would follow up on the strategy for developing foster families and what progress had been made to date under the strategy for the prevention and protection of children from violence.

15. Noting that the Office of the Ombudsman, which acted as the national human rights institution, had not been accredited with A status by the Global Alliance of National Human Rights Institutions, he said that more information regarding the Office's mandate and the human and financial resources allocated to it would be welcome. He wondered how the institution followed up on complaints submitted by children. He would appreciate clarification of how budget allocations were made for the protection and promotion of children's rights.

16. It would be useful to have statistics on the proportion of judges, social workers and teachers who had received training on children's rights and to know whether the Government had taken steps to assess the level of their knowledge in that regard. The delegation might explain the circumstances in which a judge could authorise exceptions to the minimum age for marriage and whether the Government intended to amend the legislation regarding those exceptions. He would appreciate an explanation of the objectives of the draft law aimed at centralizing civil society programmes and decentralizing their resource allocation. He wondered whether the law would undermine the independence and autonomy of non-governmental organizations (NGOs).

17. **Ms. Khazova** (Country Task Force) said that the State party had made significant improvements with regard to overcoming discrimination. However, implementation of legislation continued to pose a problem. In that regard, she wished to know how the Government planned to increase the school enrolment of Roma children and ensure that all minority children received a full education and could compete on an equal basis with their

peers. She wondered whether the necessary budget was available for the Law on Free Legal Aid; whether ethnic minority children could benefit from the law, particularly considering the language barrier; whether legal aid centres existed in different parts of the country; whether children were aware of the centres; and whether child-friendly information on the legal aid centres was available. She would appreciate information on the Government's plans to combat discrimination on the grounds of disability, social and financial status, and to provide equal opportunities for all children.

18. Regarding the best interests of the child, she asked what was being done to ensure consistency in the understanding and application of that principle, and whether any training was provided in that regard for judges, lawyers and those employed in child protection. She wished to know why the collection of data on maternal mortality had stopped in 2010 and whether there were any plans for its resumption. Despite the criminalization of selective abortion, a significant imbalance in the numbers of male and female births persisted, which suggested that the practice continued. She asked what was being done to prevent it and to ensure that the law was implemented effectively.

19. The Committee was concerned that children's right to be heard was not taken seriously by parents or by teachers. Pupil-teacher relationships were not such that children were encouraged to express their views, and school parliaments were merely a formality, with no real impact. She asked how contradictions in family law with regard to taking account of children's opinions in cases that affected them were interpreted, and what were considered justifiable grounds not to ask for a child's opinions. She also asked whether children's opinions were taken into account in decisions to place them in foster care, and whether children with disabilities were heard when decisions were made that concerned them.

20. **Mr. Madi** (Country Task Force) said that, while efforts to facilitate procedures for the registration of births were welcome, the Committee had received information that women who gave birth in hospitals and were not covered by a health insurance scheme were obliged to pay for the release letter required to register the birth. Those who could not afford to pay would therefore be unable to register the birth of their children. He asked whether that was indeed the case and, if so, how the State party intended to rectify the situation. He also wished to know what was done to ensure the registration of children abandoned at birth and the children of people with no civil documents, in particular the Roma, Ashkali and Egyptians.

21. He asked what was being done to promote the reporting of children's rights issues in the media and promote children's participation and to strike the balance required with regard to maintaining children's privacy, while avoiding stereotypical representation. Socioeconomic disparity was broadening the digital divide; he wished to know what steps were being taken to improve access to digital technologies and digital literacy for all children. Further information would be welcome on the measures taken to guarantee children's rights to freedom of association and freedom of religion. He asked whether there was a children's parliament in the State party. Lastly, he wished to know to what degree children enjoyed the right to freedom of religion and whether all religions featured in religious education through the school curriculum.

22. **Mr. Nelson** (Country Task Force) said that the Committee was concerned that 50 per cent of the population of the State party did not recognise child abuse or domestic violence as a problem and continued to consider beating a child to be an acceptable form of discipline. He therefore wished to know how the State party's new 2017–2021 strategy and action plan to prevent and protect children from violence would address domestic violence and abuse against children and what budget had been allocated to its implementation. He asked whether any campaigns would be run on the implementation of the strategy and action plan that would target corporal punishment specifically and provide guidance on alternative forms of discipline. He also wished to know how the work of the Council for the Rights of the Child was coordinated with the strategy and action plan and what resources and budget the Council had been allocated.

23. On the prohibition of sexual violence against children, he said that the number of reported convictions — 36 — did not seem very many, particularly given the lack of

recognition of child abuse and domestic violence among the population in the State party. The Committee had been informed that there were lengthy delays in the processing of complaints and judicial proceedings, which had led to a backlog of court cases. He asked what was being done to address that situation. He also asked whether the State party had gathered any statistics on cases of non-sexual domestic violence against children. He was concerned about reports that some children, following investigations of abuse, were either returned to abusive homes or held in orphanages or detention centres with child offenders. He wished to know what was being done to avoid such an approach and provide shelter for victims. He asked if there was a victim support organization in the State party and, if so, what activities it conducted and where it was located.

24. He asked whether the Deputy Protector for Children's Rights under the Office of the Ombudsman was an effective role and whether the Office had any long-term plans to address the root causes of violence against children. He wished to know whether data were collected on the complaints investigated by the Deputy Protector and how children could access the Deputy Protector if they wished to raise a case. He wondered whether any assistance was provided to children when filing complaints.

25. The Committee had been informed that corporal punishment remained acceptable in juvenile justice settings; he wished to know whether the State party intended to change that attitude. He asked how corporal punishment was defined in law and what penalties were in place. Did the State party have any statistics on prosecutions in that regard and the outcomes thereof? Further information on the complaints mechanism in place in schools would be welcome, and in particular whether there was a code of conduct for teachers and, if so, whether teachers received training with regard to its content.

26. Regarding harmful traditional practices, he was concerned about exceptions to the law that provided for marriage to take place at the age of 16, rather than 18, and asked whether the State party intended to repeal those exceptions. He wished to know whether there was a system in place to track child marriages, especially among girls in the Roma, Ashkali and Egyptian communities, in which, according to information received by the Committee, instances of forced and arranged marriages remained frequent. Had any prosecutions taken place in such cases, and if so, what had been the outcomes? He asked whether any information was available on the sale and purchase of virgin brides, which was alleged to take place in the Roma, Ashkali and Egyptian communities. He also wished to know whether any awareness-raising measures were conducted on the harmful consequences of child marriage.

27. Lastly, further information on the helpline for victims of violence would be welcome, in particular whether it was accessible on a national number, or if it was arranged at the municipal level, and what training and expertise were required of those answering calls. He asked what was done to promote the hotline, how children were made aware of it and how they could access it. He also asked whether any data were gathered on the nature of calls, and, if so, whether the evidence collected was made available to inform national policy.

The meeting was suspended at 11.05 a.m. and resumed at 11.25 a.m.

28. **Mr. Kuševija** (Montenegro) said that consideration was being given to drafting a law on children's rights. UNICEF had evaluated the system of monitoring children's rights in Montenegro and had issued recommendations, which were being followed up. The Directorate for Social and Child Protection in the Ministry of Labour and Social Welfare was being strengthened and consideration was being given to the establishment of a specific department for vulnerable and marginalized children. Additional funds were being allocated to strengthen the work of the Council for the Rights of the Child, of which all councillors currently provided their services on a voluntary basis. A helpline for children would be fully operational by the end of 2018. A telephone hotline for women and children who were victims of domestic violence was run by an NGO, with the assistance of UNICEF and funding from the State. A shelter was also being set up for victims of violence. Children who were deprived of a family were not provided with shelter in correctional facilities under any circumstances. The 36 convictions for offences of sexual

violence against children were the cases that had been completed. Others remained pending before the courts and further complaints were under investigation.

29. **Ms. Sovilj** (Montenegro) said that the review conducted by UNICEF had yielded recommendations, including on the composition of the Council for the Rights of the Child, most of which would be implemented. UNICEF had also contributed to reviewing the results of the National Plan of Action for Children, which had expired in 2017. The review had concluded that the Plan had met expectations and had resulted in a positive political and legislative environment and readiness to move forward to the next stage, which would focus on implementation of the law. The new 2017–2021strategy and action plan to prevent and protect children from violence was the first of its kind and provided for legislative strengthening and measures to ensure an adequate institutional framework, ensuring that the judicial system was well-equipped to uphold the best interests of the child. Despite persistent social norms, efforts were being made to empower children to protect themselves against violence. A system was being set up to monitor and evaluate the implementation of the strategy and plan of action, through a working group that would report annually to the Government through the Ministry of Labour and Social Welfare.

30. A campaign to protect children against violence was being run in cooperation with UNICEF and had been widely reported in the media. The campaign had been endorsed by all municipalities and had been well received by the public. Some attitudes that were not acceptable did indeed persist with regard to corporal punishment. A new action plan for children would be prepared in 2018, through which the campaign would continue. The principles enshrined in the Convention were not equally understood by all government sectors. Training programmes were therefore being developed with a view to harmonizing attitudes towards, and perceptions of, the rights of the child.

31. **Ms. Mašanović** (Montenegro) said that corporal punishment was prohibited in all settings under family law. Work was ongoing in cooperation with UNICEF to raise awareness of the prohibition of corporal punishment. Efforts were also being made to provide information for children to help them understand their rights and how to exercise them.

32. **Mr. Madi** said that, while the Family Law prohibited corporal punishment in all settings, legislation on the treatment of juveniles in criminal proceedings did not include an explicit prohibition of corporal punishment. He asked whether the State party intended to include such a provision in that legislation.

33. **Ms. Khazova** said that, although corporal punishment had been prohibited by law, which was commendable, the sanctions for violations of that provision were not specified. In its response to the list of issues (CRC/C/MNE/Q/2-3/Add.1), the State party had stated that violation of that prohibition by a parent could result in the deprivation of parental rights. She asked what was done to ensure that children were not separated from their parents unnecessarily and what guidance was provided on positive parenting and anger management for parents.

34. **Ms. Sovilj** (Montenegro) said that an advice line was available for parents, which was operated by professionals and which focused on non-violent parenting techniques. Social workers had also been trained to give guidance in that regard. A family assistance programme was in place, run by an NGO, which provided support for children and their parents, with a focus on non-violent parenting with a view to preventing the separation of families. The programme, which was being implemented in six municipalities, had yielded excellent results. The deprivation of parental rights was considered very seriously and only applied as a very last resort.

35. **Ms. Mašanović** (Montenegro) said that the courts that granted exceptions to allow 16- or 17-year-old children to marry considered each case thoroughly. For example, the opinions of social workers were sought, and the children concerned were heard without the members of their family present.

36. Child victims of domestic violence were entitled to free legal aid, and the cost of interpretation services for persons who did not speak Montenegrin, for which there was a specific budget, was borne by the courts.

37. **Ms. Milić** (Montenegro) said that the Government focused on integrating Roma, Ashkali and Egyptian children. The Ministry of Education made considerable efforts to ensure that such children enrolled in and could attend preschool. Segregated schools in a camp in Konik had been closed and the students sent to integrated schools in Podgorica. School buses had been provided for that purpose. Similar efforts were planned for Berane and Nikšić, cities which also had relatively large numbers of children in segregated schools. Officials had visited Roma and other neighbourhoods to encourage parents to enrol their children in preschool, and leaflets had been distributed in Montenegrin, Albanian and Romani. The Ministry of Education, together with the Ministry of Human and Minority Rights, awarded scholarships to secondary school students of minority background. The Ministry of Education had also made plans to hire approximately 20 social mediators to work with children, their families and schools.

38. Attendance records were carefully monitored in a bid to prevent students from dropping out of school. A system issued alerts when it was found that a student was likely to marry early or fall victim to a trafficking ring, and teachers were given information on the warning signs to watch out for. The emphasis was on fifth- and sixth-grade girls, who, as experience had shown, were at greatest risk. The Ministry of Education and the National Office for Combating Trafficking in Human Beings had worked together to organize around 50 training sessions with a view to preventing early marriage and other forms of exploitation.

39. Children's rights were an integral part of the course programmes for students in teacher training schools. Children themselves learned about their rights in their civics classes. They also participated in elections, choosing the members of their school parliaments. Customized study and transition plans for children with disabilities were developed with input from the children themselves.

40. In their computer classes, children learned how to protect themselves from online violence. Corporal punishment, as noted, was banned in schools, and a number of schools were being rebuilt to make them more environmentally friendly. A programme on parenting for lifelong health was run jointly by the Ministry of Education and the health and child-protection authorities. Religion was a subject of study in school only in the history of religion, which was an optional course.

41. **Ms. Khazova** said that she wished to know how children were elected to school parliaments and whether it was possible for troublemakers with bad grades to win election to their school parliaments.

42. **Ms. Milić** (Montenegro) said that children elected the candidates they preferred.

43. **Ms. Klikovac** (Montenegro) said that maternal mortality had fallen since the introduction of marriage and family guidance clinics and classes for pregnant women. Since 2011/12, when 111 boys had been born for every 100 girls, sex-selective abortion had become less common, partly as a result of public awareness campaigns. There were a number of regulations and reporting requirements connected with tests for the determination of fetal sex.

44. Pregnant women who were unable to afford health care or lacked health insurance did not have to pay for their treatment. Children were treated regardless of whether they had health coverage. Discharge letters were always issued to women who gave birth in medical facilities, and the facilities never withheld the documentation a woman needed to ensure that her child's birth was registered.

45. **Ms. Radošević Marović** (Montenegro) said that the Ministry of Human and Minority Rights, together with the Ministry of Education and Roma organizations, had been making multifaceted efforts to combat violence and early marriage in Roma and other communities. Educational activities in that regard targeted parents, children, Roma activists and public officials. Efforts to reach out to Roma communities included the publication and distribution of multilingual brochures and the organization of workshops and seminars. The authorities had also produced a documentary, "Don't End Up like Me", and published a collection of stories of Roma women who had married early. In addition, activities

designed to discourage Roma students from dropping out of school were organized, and the best Roma students were offered summer and winter holidays.

46. The budget of the Office of the Ombudsman, which had been spared the cuts that had been necessary elsewhere, had grown in recent years. The Office had 34 staff members and the independence to use its budget as it saw fit. A deputy Ombudsman focused specifically on children's rights. Complaints could be submitted to the Office, including from children, in a number of ways. Every school, for example, had a complaint box.

47. **Mr. Gastaud** said that he wished to know what happened to the complaints received by the Ombudsman's Office. He also wondered what consequences the instigators of child marriages faced and what happened to the bride and groom themselves.

48. **Ms. Radošević Marović** (Montenegro) said that the steps to be taken by the Ombudsman's Office in response to a complaint were regulated by law. The Office could represent children before the courts and lodge complaints with the courts on its own initiative. Effect had to be given to any recommendations made by the Office.

49. **Ms. Šuković** (Montenegro) said that forced marriages were more likely to occur in Roma and Egyptian communities. The problem had been acknowledged, and in 2013 the country's criminal legislation had been amended to make such marriages a form of trafficking in persons. Considerable training had been provided to ensure that the amendments were understood and the law was enforced. The number of forced marriages reported in the past four years had been on the rise, probably because of increased awareness. Criminal charges had been filed in relation to 4 child marriages in 2018 and 13 in 2017. The figures for previous years could be provided in writing. As children were particularly vulnerable, the authorities, in cooperation with UNICEF, had developed a special course unit on early and forced marriages that was covered in civics classes in primary and secondary schools. Guidelines on how public institutions should respond to early and forced marriages had also been adopted, and they were being promoted at the local level.

50. **Ms. Baković** (Montenegro) said that children born outside hospital who were not registered by their parents within 30 days could be registered at a later stage through the procedure established in the amended Law on Extrajudicial Proceedings. Registration of that kind was overseen by the Ministry of the Interior. Abandoned children were registered by the relevant centre for social work.

51. Internally displaced persons could register with the authorities in order to regularize their legal status. Once they had obtained the necessary documents, they were able to register the birth of their children. The Government had worked with the authorities in Kosovo to regularize the status of more than 1,000 internally displaced persons. A meeting would be held with those authorities in June 2018 with a view to regularizing the situation of a further 160 persons.

52. **Ms. Sovilj** (Montenegro), noting that the Government was implementing a strategy for the development of foster care, said that the number of children in institutions had fallen by around 50 per cent since 2010.

53. **Ms. Khazova**, commending the State party on the progress made towards deinstitutionalization, asked whether there was sufficient funding available at the local level for family support services and foster families to sustain that progress. She asked whether foster families were monitored to prevent child abuse and how the Government ensured that family support services were free from corruption and run by qualified staff, without frequent turnover.

54. She enquired whether children involved in family proceedings could request an alternative support person if they were not happy with the person assigned to them. She asked whether child abandonment was common and, if so, what measures were being taken to address the problem and to support pregnant women who were at risk of abandoning their newborn child.

55. Noting that courts were not required to seek the opinion of children involved in family proceedings if there were justifiable grounds for not doing so, she asked what

constituted justifiable grounds in such cases; whether children involved in such proceedings were dealt with by trained specialists; and what was done to ensure that those children were not obliged to make a statement if they did not wish to do so. She asked why only children aged 15 years and above were entitled to decide which parent they wished to live with and how the State party made sure that children were not forced to choose between their mother and father.

56. Lastly, she would welcome more information on the adoption procedure and the measures taken to ensure compliance with that procedure. In particular, she would like to know whether children who had been adopted were given information about their background.

57. **Mr. Nelson** said that he would like to know whether children with disabilities and NGOs were involved in the development of policies concerning children with disabilities and whether the Law on the Prohibition of Discrimination against Persons with Disabilities covered all forms of discrimination, including gender discrimination. It would be useful to know how data on children with disabilities were collected, whether those data were disaggregated and whether they were shared between ministries and used in the preparation of policies.

58. Noting that children aged 15 years old who were deemed capable of reasoning could decide which secondary school they wished to attend, he asked who was responsible for determining whether a child was capable of reasoning, whether parents and caregivers were consulted in such situations and why the law referred specifically to children aged 15 years old.

59. He would welcome disaggregated statistics on the number of children with disabilities in institutions, as well as information on the standard of care in those institutions, the training provided to staff and the safeguards in place for the prevention and reporting of child abuse. He would also like to know how children with disabilities in institutions were prepared for reintegration into the community. He wondered what was being done to prevent violence against children with disabilities in schools; whether the delegation could provide data on cases of that kind; and whether any such cases had resulted in prosecution.

60. Noting that some health service providers reportedly charged a fee, he enquired whether health care was free of charge; why fees were charged in some cases; whether awareness-raising on the importance of immunization had been carried out; and what measures had been taken to fully implement the International Code of Marketing of Breast-milk Substitutes.

61. He asked what initiatives were under way to tackle the problem of adolescent pregnancy; whether counselling and contraceptives were available to children free of charge in schools; and what steps had been taken to address the shortage of child psychiatrists and child psychologists. He further asked whether schools were running programmes to combat the use of alcohol, tobacco and drugs among children and how preventive measures in that area were enforced.

62. Noting that the mothers' benefit provided for in the Law on Social and Child Protection was being abolished, he asked whether it was being replaced with another form of assistance. It was also unclear why the budget for child allowances and social cash transfers was being reduced; what measures would be taken to compensate for those cuts; and whether vulnerable groups who relied on support of that kind had been consulted before the cuts were made.

63. Lastly, he would welcome a response to his earlier questions on corporal punishment and on prosecution in cases of early marriage.

64. **Mr. Gastaud**, drawing attention to the hidden costs of education, said that he would appreciate information on steps taken to support poor families who were unable to cover those costs and on the initial outcomes of the 2016–2020 Strategy for the Social Inclusion of Roma and Egyptians. He would also like to know what measures had been taken to reintegrate children who had dropped out of school and whether those measures had been effective.

65. He asked whether the policy to reduce overcrowding in schools was being implemented throughout the country, including in rural areas, and what strategies had been developed to promote inclusive education. Lastly, he enquired what action was being taken in response to the findings of the study on access to preschool education that had recently been conducted.

66. **Mr. Madi** said that he was concerned by reports that around 240 children lacked the necessary documents to obtain permanent or temporary residency under the Law on International and Temporary Protection of Foreigners and were therefore at risk of statelessness.

67. He was also concerned by reports that children born or found in the territory of Montenegro did not acquire Montenegrin citizenship automatically, as provided for in the legislation on citizenship; instead, the Ministry of the Interior investigated whether they had links with another country, thus prolonging the citizenship procedure and affecting the children's enjoyment of basic rights and services.

68. He wondered how the State party's claim that all children were registered at birth could be reconciled with reports that many refugees and members of the Roma and Egyptian populations lacked the documents needed to register the birth of their children.

69. It would be helpful if the delegation could confirm that there was only one unaccompanied minor in a juvenile justice institution and clarify whether that minor enjoyed freedom of movement outside the institution and access to all basic services.

70. The Committee was concerned by the high number of children in street situations and the prevalence of child begging. Accommodating such children in juvenile justice institutions was not a satisfactory solution. The Government should develop a new policy in that area, taking into account the Committee's general comment No. 21 (2017) on children in street situations.

71. The juvenile justice system was not in line with international standards; there was a lack of specialized juvenile courts, for example. He would like to know how many juvenile offenders had been brought before the courts in the past three years; how many of those offenders had been sentenced to imprisonment; what the maximum term of imprisonment had been; and whether alternative socio-educational measures had been applied in any of those cases.

72. The State party's efforts to incorporate the provisions of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography into national legislation had focused primarily on trafficking. It would be useful to know the date on which the amendment to the Criminal Code criminalizing the sale of children had entered into force. In its next periodic report, the State party should provide more detailed information on its follow-up to the Committee's concluding observations on the initial report of Montenegro under the Optional Protocol (CRC/C/OPSC/MNE/CO/1).

73. Similarly, the State party had not done enough to implement the Committee's concluding observations on the initial report of Montenegro under the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (CRC/C/OPAC/MNE/CO/1). For example, it had not criminalized the recruitment of children by non-State armed groups.

74. Lastly, he would welcome statistics on the number of marriages that had taken place between children aged 16 to 18 years old in the past two years, disaggregated by socioeconomic background.

75. **Ms. Khazova** asked whether final decisions on the removal of children from their families were made by a judge or by an administrative body.

76. **Mr. Rodríguez Reyes** asked what policies had been adopted to promote breastfeeding and what proportion of hospitals were child-friendly.

The meeting rose at 1 p.m.

United Nations CRC/C/SR.2292*

Convention on the Rights of the Child

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Committee on the Rights of the Child
Seventy-eighth session

Summary record (partial) of the 2292nd meeting**
Held at the Palais Wilson, Geneva, on Friday, 18 May 2018, at 3 p.m.

Chair: Ms. Winter

Contents

Consideration of reports of States parties (*continued*)

Combined second and third periodic reports of Montenegro (*continued*)

* Reissued for technical reasons on 28 May 2018.
** No summary record was prepared for the rest of the meeting.

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Consideration of reports of States parties (*continued*)

Combined second and third periodic reports of Montenegro (*continued*)
(CRC/C/MNE/2-3; CRC/C/MNE/Q/2-3 and CRC/C/MNE/Q/2-3/Add.1)

1. *At the invitation of the Chair, the delegation of Montenegro took places at the Committee table.*

2. **Mr. Kuševija** (Montenegro) said that all professionals working in the field of child protection were obliged to pass an examination covering topics related to the rights of the child and child protection legislation as part of their training. They must also attend a certain number of training courses and pursue their professional development in order to be eligible to renew their professional licences every five years. Continuous efforts were being made to provide professionals in the field with greater support to help them specialize and advance professionally. Concerning the participation of children with disabilities in the Council for the Care of Persons with Disabilities, the membership included two representatives from associations of parents of children with disabilities, who were vocal about the concerns and issues affecting their children. In accordance with regulations on the participation of non-governmental organizations (NGOs) in the work of governmental bodies, the former fully participated in government working groups to develop policies related to children. Under the new strategy for persons with disabilities, there were plans to establish a centralized comprehensive register or database of persons with disabilities, including children, to support policymaking in that area. Currently each individual authority kept its own records.

3. **Ms. Cimbaljević** (Montenegro) said that, under the Law on Social and Child Protection, there was a rule book setting out detailed conditions for foster care, including the programme of training for prospective foster parents, the criteria for obtaining a two-year foster care licence and the fees payable to foster carers for their work and the accommodation they provided. All providers of foster care services were assessed and had to undergo training of at least 30 hours within the first year; the centres for social work had the obligation to visit each foster family at least once within 50 days of the child's placement. Expert support was provided to both the beneficiaries and providers of foster care services. Foster care was financed from the central budget, and there had never been a situation where services had had to be interrupted because the funding had not been provided. Under the Law on Social and Child Protection, pregnant women, particularly single mothers, were afforded particular protection and had access to various benefits, including family accommodation services.

4. **Ms. Khazova** (Country Task Force) said that she would welcome clarification of the system of community placements for children, including how it was funded and regulated.

5. **Ms. Cimbaljević** (Montenegro) said that there was a small community accommodation service for children with disabilities and developmental difficulties; there was one small group home in Bijelo Polje with six beneficiaries, financed from the central budget. The law also provided for other support services for children to live in the community.

6. **Ms. Sovilj** (Montenegro) said that the centres for social work had competence over the entire adoption procedure. Applications from prospective adoptive parents were assessed by expert multi-disciplinary professional teams and were required to undergo training on the rights of the child, including the child's right to know the truth about his or her origins and adoption. The centre also determined whether a child was eligible for adoption, namely if he or she had been permanently deprived of parental care by court order or if the parents had given their consent to the adoption. Once the assessment was complete, the documentation was submitted to the Ministry of Labour and Social Welfare, which kept the central register of eligible parents and children. When a potential match was found, the relevant centre for social work was informed, and the pre-screened applicants were assessed again to determine whether they were suitable to adopt that specific child. The best interests of the child prevailed at all stages of the procedure. Once the child and the prospective parents had met in person, the centre attached great importance to the

opinion of the child, in line with his or her age and maturity, when taking its decision. Once the adoption was complete, the relationship between the child and the adoptive parents was treated in the same way as that of any biological family, and the centre did not monitor the situation unless there was a report of violence or the adoptive parents so requested. All the documentation related to the adoption was kept permanently by the centre, and the child was entitled to request to see his or her file from the age of 15.

7. **Ms. Khazova** said she wished to know whether the courts were ever involved in adoption decisions.

8. **Ms. Sovilj** (Montenegro) said that the courts intervened only if the biological parents had to be deprived of their parental rights and had not given their consent for the child to be adopted, for example if the child was at risk because of serious neglect or domestic violence.

9. **Mr. Madi** (Country Task Force) said that he would be interested to know whether there were any cases of international adoption in Montenegro and, if so, how they were regulated by law.

10. **Ms. Sovilj** (Montenegro) said that international adoption had been regulated in accordance with the Convention on Protection of Children and Cooperation in respect of Intercountry Adoption, to which Montenegro was a party. International adoptions took place if there was no interest among Montenegrin citizens in adopting a particular child, usually in the case of older children or children with serious disabilities, and must be approved by an expert commission in the Ministry of Labour and Social Welfare. In accordance with the Law on Social and Child Protection, every effort was made to provide support to the biological family in order to avoid the child being removed from the home. If it was not possible for the child to remain in the family home, he or she was placed in kinship or non-kinship foster care, or an institution if all alternative measures had been exhausted. A family support service had been successfully piloted for four years by the centres for social work in cooperation with an NGO, preventing the removal of hundreds of children from their families, and would be rolled out nationwide.

11. **Ms. Milić** (Montenegro) said that the Constitution provided for nine years of compulsory education, from the age of 6 to 15, free of charge. In cooperation with local communities and municipalities, free textbooks were provided to all children enrolled in first grade of elementary school. The quality of education was evaluated on the basis of the results of Programme for International Student Assessment (PISA) testing. Efforts were being made to improve teacher training and the professional advancement of teachers. Educational programmes had been reviewed with a focus on skills for the twenty-first century, resulting in the introduction of training on socioemotional skills in 20 elementary and secondary schools. New legislation had been introduced to regulate class sizes, which it had been recognized were very large, especially in cities and towns.

12. Special emphasis was placed on preschool education, with the objective of improving coverage, quality and financing. New preschool facilities were being built, and interactive outreach services had been established in 12 municipalities to serve rural and remote communities. The cost of preschool education across the country reflected the socioeconomic disparities between regions: in the north, the cost was 15 euros per month while on the coast it was 40 euros. Roma children, children with special educational needs and children from families in receipt of family allowance received free preschool education, while children from single-parent families paid half the cost. A programme to promote safe school environments free from violence had been piloted in several schools and subsequently made compulsory for all schools. Protocols had been developed for dealing with cases of violence against children with disabilities in school.

13. The integration into mainstream education of children with disabilities and learning difficulties was a priority. Efforts to that end included additional academic support and guidance, and assistance in accessing further education. A dedicated team of specialists had been established to help create an enabling environment for children with autism in mainstream schools. Moreover, efforts had been made to ensure the early integration of children with intellectual disabilities, including by training teachers to recognize developmental challenges in children and providing parents with information.

14. Sex education was provided through biology lessons and teaching on healthy lifestyles and covered such questions as identity and reproductive health. Specific resource materials had been developed in that regard. Children were also educated on the dangers of smoking and alcohol. The Government had cooperated with the United Nations Office on Drugs and Crime to inform parents and teachers about substance abuse and develop relevant educational resources for adolescents.

15. An education information system was in place that enabled schools to monitor attendance and assist children who had left or were at risk of leaving the education system. Specifically, efforts had been made to identify Roma children not attending school and facilitate their return to mainstream education, including through student volunteering schemes and individual tutoring.

16. **Ms. Radošević Marović** (Montenegro) said that, in order to improve the visibility and social inclusion of children with intellectual disabilities, the Ministry for Human and Minority Rights had published the Convention on the Rights of Persons with Disabilities in an easy-to-read format. The publication had been promoted in the media and distributed to various institutions, including NGOs and associations for the parents of children with intellectual disabilities. A document in an accessible format was also being prepared on the rights to social life and education of persons with disabilities.

17. The Law on Prohibition of Discrimination against Persons with Disabilities was designed to achieve the greatest possible degree of integration of persons with disabilities. It ensured that children with disabilities were able to choose freely between educational programmes, enrol in any educational institution and participate in sports and extracurricular activities. Anti-discrimination legislation had recently been amended to align it with the relevant European Union directives; it explicitly prohibited all forms of discrimination against children.

18. **Mr. Kuševija** (Montenegro) said that day-care centres were not a form of institutionalization. Children with disabilities could spend several hours per day in the centres, enabling parents to go to work or run errands, and were separate from mainstream schools and health-care establishments.

19. **Ms. Mašanović** (Montenegro) said that the participation of children in court proceedings and the right of children to express their opinions were regulated by the Family Law, under which courts were obligated to seek the opinions of children in matters concerning family relations. Children were not required to express their opinions, but could do so irrespective of their role in the proceedings. Children were provided with support persons to help them to understand proceedings and protect their best interests, although those aged over 14 had to give their consent to receive such assistance. Moreover, 33 lawyers had undergone specific training on the rights of children in court proceedings.

20. Minors serving prison sentences were held in separate wings of adult prisons. A new building was due to be opened later in the year that would, among other things, serve as a juvenile prison.

21. **Ms. Khazova** said that she wished to know whether support persons were appointed only if a child was involved in civil proceedings or also in cases of family conflict in which proceedings had not been instituted. Was it correct that an attorney could also be appointed to represent a child?

22. **Ms. Mašanović** (Montenegro) said that attorneys could represent children involved in family law cases in addition to support persons. Support persons provided children with information about court proceedings and their possible outcomes and could speak to the court on a child's behalf.

23. **The Chair** said that she would appreciate confirmation that a support person did not have the legal status of a party to the procedure and that it was possible for a judge to interview support persons instead of the children they represented.

24. **Ms. Mašanović** (Montenegro) said that the Chair's understanding was correct. There were currently eight juveniles in prison, of whom a number worked between 7 a.m. and 2 p.m. and were remunerated in line with prison rules. The activities available to

juvenile prisoners included individual or group therapy sessions, training to improve social skills and workshops on relaxation, anger management, and drug and alcohol abuse. They were entitled to free time in which they could use a gym or outdoor area, or participate in leisure activities such as cooking and creative writing. Juvenile prisoners could receive rewards for good behaviour, such as visits to cultural establishments or their own homes.

25. **Mr. Madi** said that he wished to know whether prison work was optional for juveniles; whether juvenile prisoners were provided with any education; and whether the rewards for good behaviour included reductions in sentences. What was the longest prison sentence currently being served by a juvenile?

26. **Ms. Khazova** said that she wished to know whether children were able to choose their support person or to request an alternative support person if they did not like or trust the person appointed. Could children appoint a friend or family member, or were they required to choose someone on the list of approved support persons?

27. **Ms. Mašanović** (Montenegro) said that support persons were licensed and were required to undergo training and receive certification of their status. Work carried out in juvenile prison was optional. Of the eight juveniles in prison, three worked in cleaning, two worked in a carpentry workshop, two worked in a locksmith's workshop and one had chosen not to work. Information on whether a child could request an alternative support person and on the length of sentences being served by juvenile prisoners would be provided at a later date.

28. **Ms. Vujović** (Montenegro) said that, since 2015, some 33 criminal cases involving juveniles cohabiting with adults had been recorded, the majority of which had occurred in the north of the country. As a preventive measure, guidelines on how to identify potential victims had been developed for all relevant institutions in accordance with international standards. Furthermore, a special unit had been established to combat family violence and violence against women, which would help to prevent early marriages.

29. **Ms. Šuković** (Montenegro) said that the Office for Combating Trafficking in Human Beings and the Police Directorate had taken steps to reduce begging, including by identifying beggars and providing them with support in cooperation with other institutions. Child beggars were treated as victims, and those responsible for their situation faced criminal charges. In 2017, five child beggars had been identified and 13 misdemeanour proceedings had been initiated. In cooperation with the Red Cross of Montenegro and the United Nations Children's Fund (UNICEF), the Government had begun work on a research project to identify the root causes of begging with a view to developing plans to combat the problem. In addition, an NGO that would provide a shelter and services for child beggars in a local community was undergoing accreditation. The Government would subsequently evaluate that model and, on the basis of that evaluation, decide on further steps in that regard.

30. The recommendations made by the Committee under the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (CRC/C/OPSC/MNE/CO/1) had been considered at the highest level, including by the working group on the implementation of the Strategy for Combating Trafficking in Human Beings. A national document had been produced in 2012 incorporating those recommendations, and, with the support of UNICEF, the Government had worked to amend national legislation accordingly.

31. **Mr. Nelson** (Country Task Force), referring to the statistical data provided by the delegation on child marriage, asked how many prosecutions had been brought in total, which offence they related to and whether they had been brought against adults or minors.

32. **Mr. Madi** said that, while the State party's efforts to combat trafficking in children were commendable, the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography covered more than just the crime of trafficking. The delegation might describe the steps taken to give effect to the recommendations relating to the other crimes covered by the Optional Protocol contained in the Committee's concluding observations.

33. **Mr. Gastaud** (Coordinator, Country Task Force), noting that Montenegro was fast becoming a popular tourist destination, asked what measures the State party had taken or envisaged taking to prevent the rise of sex tourism, particularly in coastal resorts.

34. **Ms. Vujović** (Montenegro) said that minors could not be prosecuted for offences committed under article 216 of the Criminal Code. In the case of a child marriage where one party was a minor and the other an adult, only the adult was liable to prosecution. If both parties were minors, it was their parents who would be held criminally liable.

35. **Mr. Madi** asked whether a 16-year-old who entered into a marriage with an 18-year-old was still considered a minor in the eyes of the law and whether, in that scenario, the 18-year-old was still liable to prosecution. It would be helpful if the delegation could confirm the minimum legal age for marriage in Montenegro.

36. **Ms. Vujović** (Montenegro) said that anyone under 18 years of age was considered to be a minor. Any person aged 18 years or over who entered into an extramarital union with a minor was liable to prosecution.

37. **Mr. Madi** said that he failed to understand why an 18-year-old who entered into a marriage with a 16-year-old could face prosecution when the minimum legal age for marriage appeared to be 16 years with the permission of a judge. He would be grateful if the delegation could shed light on what appeared to be a contradiction in terms.

38. **Ms. Vujović** (Montenegro) said that the statistical data provided related to cases in which minors had not requested the permission of a judge to wed before doing so.

39. **The Chair** said that she would appreciate examples of cases in which a 16-year-old had entered into a marriage without having obtained the permission of a judge. She asked whether it was possible, legally speaking, for a marriage to take place in those circumstances.

40. **Ms. Vujović** (Montenegro) said that a 16-year-old could not lawfully marry without the permission of a judge. It was for that reason that an 18-year-old who entered into an extramarital relation with a 16-year-old was committing a criminal offence.

41. **Ms. Aho Assouma**, noting that the registration of children born outside of health facilities was normally contingent upon the submission of certain documents, asked which documents were required and whether a birth could still be registered if the necessary documentation could not be provided. The delegation might also explain why so many young children were placed in reception centres.

42. **Ms. Baković** (Montenegro) said that, if the birth of a child was not registered within 30 days, a special administrative procedure could be initiated to establish the time and place of birth. If those details could not be established, the case could be brought before a court, which could issue a decision authorizing the registration of the birth.

43. In Montenegro, undocumented internally displaced persons and their children were registered, issued with a special form of identification and were granted all applicable rights. The situation of undocumented persons living in Montenegro had been largely resolved following the entry into force of the Law on Foreigners, which entitled those persons to claim certain rights and to approach the competent Montenegrin authorities with a view to regularizing their status in the country. The Montenegrin authorities, along with representatives of the Office of the United Nations High Commissioner for Refugees (UNHCR) and the Organization for Security and Cooperation in Europe (OSCE), had visited the camps housing internally displaced persons from Kosovo. Upon learning of the undocumented status of those persons, the Montenegrin authorities had concluded an agreement with their Kosovan counterparts under which mobile teams had been set up and had travelled from Kosovo to interview and assist undocumented persons in obtaining Kosovan identity documents. The Montenegrin authorities were continuing to work with their Kosovan counterparts to resolve the most complex cases.

44. The Montenegrin authorities were also working with UNHCR to regularize the status of 250 children whose parents were undocumented internally displaced persons from Kosovo. On the basis of interviews conducted with those children and their parents in the camps, the mobile teams had determined that there were some 200 children born in

Montenegro to Kosovan parents who were permanent residents of the country but whose birth had never been registered in Kosovo. Under the agreement on birth registration concluded between the Montenegrin authorities and their Kosovan counterparts, children in that situation who met the requirements could have their birth registered in Kosovo and thereafter obtain proof of Kosovan citizenship, allowing them to regularize their status in Montenegro. To date, some 130 requests for birth registration had been received.

45. The Law on Montenegrin Citizenship, which was in line with the European Convention on Nationality and with the United Nations statelessness conventions, effectively precluded the possibility of persons born in Montenegro remaining stateless. However, while the Law did indeed provide that a child born or found on the territory of Montenegro could acquire Montenegrin citizenship if his or her parents or their citizenship were unknown or if they were stateless or if the child would otherwise remain stateless, those circumstances constituted an exception to the general rule. In all other cases, a child did not automatically acquire Montenegrin citizenship unless one of his or her parents was already a Montenegrin citizen.

46. **Ms. Klikovac** (Montenegro) said that all children, including children with disabilities, were exempt from paying for social care, the cost of which was covered by the national health insurance fund. The code on the marketing of substitute milk for health institutions and health workers had been adopted on the basis of recommendations made by the World Health Organization. The code was available on the website of the Ministry of Health and on those of all Montenegrin health institutions. The code required health workers employed by secondary and tertiary health institutions with birth clinics to remain in close proximity to new mothers immediately after childbirth and to instruct them on how to breastfeed. However, although every effort was made to promote breastfeeding among new mothers, they could not be compelled to do so.

47. A series of campaigns to raise parents' awareness of the need to vaccinate their children against measles, mumps and rubella had yielded positive results, raising the level of immunization coverage to almost 90 per cent. Although a health warning had been issued, the measles epidemic had not reached Montenegro and the cases detected had been dealt with.

The meeting was suspended at 4.40 p.m. and resumed at 4.55 p.m.

48. **Mr. Madi** said it was his understanding that all children born in Montenegro, including migrant, refugee and internally displaced children, were registered at birth. He would therefore be grateful if the delegation could shed further light on the situation of the 200 Kosovan children born in Montenegro whose parents were permanent residents of the country but whose birth had never been registered on account of it first having to be registered in Kosovo. In particular, the delegation might explain how the birth of those children could be registered in Kosovo in the absence of a birth certificate issued by the Montenegrin authorities.

49. **Mr. Nelson** asked whether any initiatives had been launched to promote breastfeeding among new mothers.

50. **Ms. Ayoubi Idrissi** asked whether the State party had disseminated and made use of the Committee's general comment No. 21 (2017) on children in street situations (CRC/C/GC/21), joint general comment No. 4 (2017) of the Committee on Migrant Workers and No. 23 (2017) of the Committee on the Rights of the Child on State obligations regarding the human rights of children in the context of international migration in countries of origin, transit, destination and return (CMW/C/GC/4-CRC/C/GC/23) and joint general comment No. 3 (2017) of the Committee on Migrant Workers and No. 22 (2017) of the Committee on the Rights of the Child on the general principles regarding the human rights of children in the context of international migration (CMW/C/GC/3-CRC/C/GC/22).

51. **Ms. Baković** (Montenegro) said that, although the 200 Kosovan children in question had been born in Montenegro and their births had been registered in the country, they still needed Kosovan identity documents, which could be obtained only after their birth had been registered by the Kosovan authorities, to regularize their status in Montenegro. All

children born in Montenegro were registered at birth and no requests had been received to register the birth of a child through the special administrative procedure. Furthermore, efforts to raise public awareness of birth registration procedures were ongoing.

52. **Ms. Mašanović** (Montenegro) said that one of juveniles being held in a detention facility was serving a five-year prison sentence, which was the maximum sentence that could be imposed. In early 2018, the Law on the Treatment of Juveniles in Criminal Proceedings had been amended to introduce the option of parole for juvenile offenders. Any decision on parole should be handed down by the same court that had imposed the original prison sentence and communicated to the institution responsible for the enforcement of criminal penalties. Courts were obliged to hear a child's opinion in all legal proceedings, either directly from the child or through his or her advocate. Child advocates were appointed and, if they underperformed, could be dismissed and replaced by the courts.

53. **Ms. Klikovac** (Montenegro) said that gynaecologists, neonatologists and paediatricians promoted breastfeeding among new mothers in hospital wards by distributing information materials and holding workshops. Information campaigns were also conducted through the media and printed press, often with the support of NGOs. Promotional events had also been held by civil society and breastfeeding mothers themselves.

54. **Ms. Milić** (Montenegro) said that special schools no longer existed. The country's three resource centres provided education to some 135 children at the primary and secondary school levels. There were 5,000 children with special educational needs in the school system. Teachers received special training, including methodological instructions for teaching children with dyslexia and other learning difficulties. Special teaching materials had been developed, such as audio textbooks for children with visual impairments. The Government was in the process of formulating a new strategy aimed at fully integrating children with disabilities into inclusive education, which took into account recommendations made by the Committee on the Rights of Persons with Disabilities. The draft strategy was currently under review by a consultant from UNICEF.

55. **Mr. Bošković** (Montenegro) said that the Government had received no reports on the involvement of any children in armed conflict or terrorist activity. Nonetheless, a response plan was in place should any such children be identified. Soldiers serving in peace missions received training on human rights law. His country had participated in a number of missions since 2007 and no rights violations had been reported.

56. **Ms. Šuković** (Montenegro) said that 200 representatives of businesses in the tourism industry had signed up to a code of conduct that required them to cooperate with the authorities to protect children from sexual exploitation. The National Office for Combating Trafficking in Human Beings provided training to raise awareness of the general principles of the code of conduct and distributed a directory of the institutions to which cases of sexual exploitation should be reported.

57. **Ms. Baković** (Montenegro) said that a law, which complied with relevant international standards, had recently been enacted to protect migrants and asylum seekers. The Government had thus far received and granted three applications for international protection from unaccompanied children. In such cases, children were referred to the centre for social work, which appointed a carer and placed the children in an institution where they received full protection. Those children were accommodated separately from children in conflict with the law.

58. **Mr. Gastaud** said that he wished to know whether procedures existed to protect children arriving in Montenegro who might have been involved in conflicts abroad. He asked whether the authorities were able to identify them and, if so, what action was taken after identification.

59. **Mr. Madi** said that information on the nationality of the three unaccompanied children and whether they were free to leave the centre would be welcome.

60. **Ms. Sandberg** enquired whether the State party was aware of the global study on children deprived of liberty and, if so, whether a focal point had been designated to respond to the questionnaire.

61. **Mr. Bošković** (Montenegro) said that plans were indeed in place to protect children who might have been involved in armed conflict abroad; however, no such cases had been reported. The identification of such children fell within the remit of the Ministry of the Interior.

62. **Ms. Baković** (Montenegro) said that unaccompanied child migrants were not confined to their accommodation centres. They were interviewed by trained specialists and, once the Directorate for Asylum had approved their applications for international protection, the Ministry of Labour and Social Welfare provided accommodation, food and a living allowance for at least 2 years. Those children were entitled to the same rights as Montenegrin citizens. She did not have information as to the nationality of the three unaccompanied children.

63. **Ms. Vujović** (Montenegro) said that the Government was indeed aware of the global study on children deprived of liberty; the questionnaire had been forwarded to the competent authorities.

64. **Ms. Aho Assouma** said that many children from Roma communities did not attend school in spite of the Government's strategy. It would be helpful to hear whether children were given lessons in their mother tongue and whether they received Montenegrin language classes before attending primary school. It would also be interesting to know why so many children were placed in institutions.

65. **Ms. Milić** (Montenegro) said that Roma and Egyptian communities from Kosovo mainly spoke Albanian as a mother tongue. Although many children from those communities also spoke Montenegrin, the Government had designed activities to strengthen knowledge of Montenegrin from the preschool level. Primary education was available in both Albanian and Montenegrin. More recently, initiatives had been set up to enhance knowledge of the Romani language among children in those communities, which included optional classes. Furthermore, student teachers were encouraged to volunteer to give classes in Montenegrin to children from Roma communities.

66. **Mr. Kuševija** (Montenegro) said that, in 2017, the Government had achieved its goal of having no children under the age of 3 in institutional care. The goal had now been extended to remove children under the age of 5 from institutions.

67. **Mr. Madi**, thanking the delegation for the open and constructive dialogue, said that a great deal of progress had been made since the last dialogue in 2010. He hoped that the comprehensive law on the rights of the child and the law on non-governmental organizations would be adopted in the near future.

68. **Mr. Kuševija** (Montenegro) said that the Government remained committed to removing children from institutional care and placing them with foster families. His delegation would be pleased to provide any further information that the Committee might require and looked forward to receiving its concluding observations.

The discussion covered in the summary record ended at 5.40 p.m.

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Summary record of the 2293rd meeting
Held at the Palais Wilson, Geneva, on Tuesday, 22 May 2018, at 10 a.m.

Chair: Ms. Winter

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Consideration of reports of States parties (*continued*)

Initial report of the Russian Federation on the implementation of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography

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The meeting was called to order at 10 a.m.

Consideration of reports of States parties (*continued*)

Initial report of the Russian Federation on the implementation of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (CRC/C/OPSC/RUS/1; CRC/C/OPSC/RUS/Q/1 and CRC/C/OPSC/RUS/Q/1/Add.1)

1. *At the invitation of the Chair, the delegation of the Russian Federation took places at the Committee table.*

2. **Mr. Zubov** (Russian Federation), introducing his country's report (CRC/C/OPSC/RUS/1), said that, since the submission of the report in 2015, significant improvements had been made not only to the legislation to protect children, but also to its implementation, while international cooperation in that area had been strengthened. Those efforts had been underpinned by various strategic documents, including the national security strategy and framework policies on long-term socioeconomic development, family and youth, and the prevention of child neglect and juvenile delinquency. The period 2018–2027 had been designated the national Decade of Childhood, and a plan of action for the Decade was being developed. The Presidential Commissioner (Ombudsman) for Children's Rights had a key coordinating role to play in that regard. The Optional Protocol was implemented through a range of federal and regional programmes, which were constantly increasing in number, along with the funding and resources for their implementation. A fund for children in need had been set up, pursuant to a decree of the President.

3. The criminal law had been strengthened to protect children against all types of abuse, in particular violence and sexual abuse. Such crimes were punishable by extended periods of imprisonment. A special parliamentary working group had been set up to develop measures to tackle sexual offences against children online. The use of the Internet for child pornography was prohibited by law. A comprehensive register of prohibited websites had been drawn up. The number of websites included in the register had increased tenfold from 2013 to 2017. Law enforcement authorities had been provided with the necessary technical and legal means to deal with sexual misconduct committed via the Internet or social media. Since 2011, a special police operation, under the code name "Sornyak" (Pest), had been under way to identify international peering networks that exchanged pornographic material. The operation had resulted in 94 criminal cases between 2015 and 2017 alone.

4. In 2017, more than 13,000 criminal cases had been brought for offences against the sexual inviolability of minors. The number of criminal cases brought for recruitment of minors to engage in prostitution, sexual intercourse with minors under the age of 16 and production and circulation of child pornography had also increased, owing to active efforts by law enforcement authorities to clamp down on such offences and to address underreporting. There was no evidence of the systematic sale of children, child prostitution or child pornography in the Russian Federation and there had been no registered cases of child slave labour. While there might have been a handful of attempts at the sale of children, usually newborns, those cases had involved migrants and had occurred in the context of adoption. The requisite measures had been taken by the law enforcement authorities and the cases had been widely reported in the media. Similarly, child prostitution was rare, although it had not been possible to entirely stamp out online advertising of sexual services involving minors. Adolescents aged 16 to 18 years who engaged in prostitution were subject to administrative liability, while their clients incurred criminal liability. Their parents could be held administratively or criminally liable, depending on the circumstances. Sex tourism was not widespread in the Russian Federation.

5. The media had recently drawn attention to cases of sexual abuse or sexual violence against minors, committed by either parents or other minors. The latter cases often involved the use by perpetrators of mobile telephones and the Internet to blackmail victims. In that regard, police monitoring of the Internet had been particularly effective. The introduction of child psychologists in preschool and school settings and the setting up of a 24-hour national children's telephone hotline had also produced positive results, as had the network of free rehabilitation centres for minors and other crisis centres and shelters for victims established

under the family social services system. According to some estimates, however, more than 80 per cent of cases of sexual violence against children remained unreported to the law enforcement authorities, owing to a lack of trust within families that discouraged children from telling their parents about cases of abuse. Paedophilia tended to affect the most vulnerable children, those who did not have social or family support.

6. It was important for the public to see law enforcement efforts to defend the rights and interests of children in a positive light. There was concern in society, however, about the use of the Internet and other media to aggressively promote ideas that conflicted with traditional Russian values, including with regard to marriage and the family; to encourage liberal sexual behaviour and even normalize prostitution; and to glorify violence, cruelty and the cult of money. Society expected young people to be protected from such influences. The law enforcement authorities were working to that end, in close cooperation with the media and the public.

7. The Government was doing its utmost to strengthen international cooperation to address the sale and sexual exploitation of children and child pornography, in particular through the United Nations, as well as through the Council of Europe, the Organization for Security and Cooperation in Europe and the international police organizations. Discussions on such issues were also held frequently in the context of the Commonwealth of Independent States (CIS), the Collective Security Treaty Organization and the Organization of the Black Sea Economic Cooperation. A programme of cooperation between the CIS countries had resulted in the disbanding of seven organized criminal groups in 2017 alone, following which 143 criminals had been brought to justice. Agreements on mutual legal assistance and bilateral cooperation agreements had been concluded with a number of countries.

8. **Mr. Kotrane** (Country Rapporteur) said that, while the State party's provision of data on offences against children was welcome, the lack of disaggregation by nationality, ethnic origin, socioeconomic status, disability and geographic location was worrying. He wondered whether any specific measures were foreseen to enhance the data-collection system and ensure that comprehensive information was available on all offences under the Optional Protocol. The focus should be on gathering information about children at specific risk, such as migrant and unaccompanied children.

9. The lack of a comprehensive programme of action to address the issues covered in the Optional Protocol was regrettable. Information had been provided about various authorities at the federal and regional levels that were responsible for the implementation of the Protocol. The Committee was concerned, however, that there appeared to be no central coordination body and that commissioners for children's rights at all levels were not sufficiently independent. There were, moreover, no data on any complaints that might have been submitted by children to the commissioners.

10. Although measures were being taken to raise awareness of the Optional Protocol as part of general human rights education, the Committee wished to know whether the State party intended to incorporate specific information on the Protocol into school curricula. It would also like to receive further information on the training provided for professionals — other than teachers — working with children, including judges, law enforcement officers, procurators, social workers and immigration officials, to ensure that they were fully aware of the Optional Protocol.

11. He asked what specific resources were allocated to activities to implement the Optional Protocol and what was being done to evaluate their impact and effectiveness and to ensure equity and transparency in resource allocation.

12. While the State party had an impressive legislative base and most offences under articles 2 and 3 of the Optional Protocol were covered in the Criminal Code, the definition of "sale of children" did not seem to encompass the forced labour or illegal adoption of a child. The State party's legislation did not, moreover, define child prostitution, nor did it criminalize the possession of pornographic material depicting children. He wondered if the State party intended to revise its criminal law to take account of those aspects. He also wished to know if it was true that criminal cases brought in connection with offences under the Optional Protocol could be dropped if the victim retracted his or her complaint and that

the statute of limitations prohibited children who were victims of a criminal offence from filing a complaint once they reached the age of majority.

13. He asked what the ramifications would be of a violation of the Optional Protocol by legal entities that were subject only to administrative and not criminal liability. He noted with regret that the State party's extraterritorial jurisdiction over offences under the Optional Protocol was subject to the principle of dual criminality. Lastly, he asked whether the Optional Protocol could serve as a legal basis for extradition.

14. **Mr. Nelson** (Country Rapporteur) asked whether the delegation could provide an English translation of its opening address. He said that, while the State party had many laws to give effect to the Optional Protocol, no specific information on the enforcement of those laws had been forthcoming. It would be helpful to know, for example, how many criminal cases had been instituted for offences under the Optional Protocol and what the outcomes of those cases had been.

15. The Committee had been informed that sex tourism remained prevalent in the State party and that an increasing number of offenders were nationals of the Russian Federation. It therefore wished to know what measures were being taken to address that phenomenon and, in particular, whether any awareness-raising campaigns were being conducted in the travel and tourism sectors on the harmful effects of sex tourism. Was there a code of conduct for travel agents and hotel staff, and how many sex tourism cases had been brought before the courts?

16. By the State party's own admission, the number of websites containing child pornography had increased twelvefold in the four years preceding the submission of its report. While the establishment of the register of websites containing pornographic material was a positive initiative, he wondered whether there was a national strategy in place to target online child exploitation specifically, or a dedicated body. He also wished to know whether the State party had any education programmes on online safety, to ensure that children were aware of the potential dangers of participating in online activities. Was there a system for reporting online offenders and what other measures were taken, aside from prosecution, to tackle online crime?

17. A well-developed system was in place for the protection of child victims of crime. Clarification would nevertheless be appreciated regarding paragraph 265 of the State party's report, which stated that, under article 45 of the Code of Criminal Procedure, the legal representative of a victim who was a minor could be excluded from participation in the criminal case by order of the person responsible for conducting the initial inquiry, the investigator, the judge or the court if the representative's conduct was deemed detrimental to the interests of the minor. It was difficult to understand what the purpose of that provision might be.

18. The Committee was concerned that children involved in prostitution were dealt with under the Code of Administrative Offences, rather than being treated as victims. He asked whether the State party would amend its legislation in that regard and what measures it would take to ensure that children forced into prostitution received the psychological, social and practical support they needed with a view to being reunited with their families. He also wished to know whether specialized counselling and support were provided at shelters for child victims of crime, whether shelter staff were specially trained and whether funding for shelters was being increased in the light of reports that they were underresourced and insufficient in number.

The meeting was suspended at 10.50 a.m. and resumed at 11.15 a.m.

19. **Mr. Zubov** (Russian Federation) said that a translation of his opening remarks would be provided. The modalities for statistical reporting were set out in law. Overall responsibility for the collection and analysis of statistical data on legal cases lay with the Office of the Procurator General. Every effort was made to optimize the use of resources, streamline data collection and reduce the amount of paperwork. A selective approach was therefore taken to ensure that only the requisite data were gathered to inform decisions. Published statistics must not contain any information that could fuel racial hatred or social antagonism and were therefore not disaggregated by race, ethnicity or nationality. A wider

range of indicators had been established with regard to victims of crime, however, which would result in more detailed information being available in the future.

20. **Ms. Loseva** (Russian Federation) said that statistics on legal cases were also gathered by the legal department of the Supreme Court, which recorded the number of cases heard, the number of convictions, the articles of the Criminal Code under which convictions were handed down and the demographic characteristics of complainants and defendants, including age, sex and education. The low percentage of repeat offenders among those convicted of sexual offences against children demonstrated the effectiveness of the measures taken to address such behaviour. A wealth of data was provided in the State party's replies to the list of issues (CRC/C/OPSC/RUS/Q/1/Add.1).

21. **Mr. Zubov** (Russian Federation) said that there were no specific problems with regard to sexual violence against migrant children in the Russian Federation. Russian children and migrant children were treated equally, and specific data on migrant children were therefore not gathered. Sex tourism was not widespread in the Russian Federation. Any isolated cases that were uncovered would be dealt with under the legislation on combating organized crime and perpetrators would face harsh penalties.

22. **Ms. Kazakova** (Russian Federation) said that the Ministry of Internal Affairs kept statistics on all those entering the territory of the Russian Federation, including migrant children and refugees. In 2017, more than 17 million foreigners had entered the country, 1.6 million of whom had been children. There were some 126,000 refugees in the territory of the Russian Federation, including 33,000 children. Information on nationality was used for integration purposes.

23. **Mr. Zubov** (Russian Federation) said that the Government's Commission on Minors' Affairs acted as the central coordination body for the implementation of the Optional Protocol. The department for State policy on the protection of children's rights, within the Ministry of Education and Science, also played a role in that regard.

24. **Mr. Kotrane** asked what was understood by the term "children" in the State party's statistics on offences against children. Did it mean anyone below 18 years of age? He was concerned that the lack of differentiation in treatment between migrants and other children might mean that a particularly vulnerable population was not receiving the support it required. Migrant children were easy targets for criminal groups and should therefore be afforded particular protection.

25. **Mr. Zubov** (Russian Federation) said that, in the Russian Federation, migrants tended to come from other post-Soviet countries, rather than arriving from conflict-affected areas as did those in Europe. Migrants were not generally involved in criminal activity, nor were they particularly affected by exploitation or other violations of their rights. Every effort was made to avoid distinctions between Russian citizens and migrants in public perceptions, and accordingly no distinction was made between those groups in published statistics. A special department had been established under the aegis of the Ministry of Internal Affairs with responsibility for deepening the technical analysis of Internet use and studying young people's online communication habits.

26. **Mr. Silyanov** (Russian Federation) said that an enormous amount of legislation was in place to ensure the protection of the rights of minors, including some 120 federal laws. The Commission on Minors' Affairs had been established pursuant to the legislation on preventing child neglect and juvenile delinquency, along with 85 commissions at the regional level and some 3,000 at the municipal level. The Commission's decisions were binding on all those working to protect children and their rights.

27. **Mr. Zubov** (Russian Federation) said, with regard to training on the Optional Protocol for persons employed in the judicial system, that, while there were no specialist programmes on the Convention or the Optional Protocols thereto, training for the judiciary in the Russian Federation was exemplary and included examinations on the details of amendments to national law, including those incorporating provisions of international instruments.

28. Regarding rehabilitation and protection for children who had been victims of violence or exploitation, the number of certified child psychologists had increased. There

were around 200 State-run shelters for victims, which in such a large country was indeed a small number. That said, civil society organizations had also established safe houses for victims and were able to apply for State funding and grants to expand their projects. A telephone helpline run by a non-governmental organization had been set up. While more remained to be done to protect and rehabilitate child victims of crime, measures were ongoing and there was a good understanding of the seriousness of the issue.

29. It was indeed possible that, in legal proceedings, a young person's representative might not necessarily work in his or her interests. The Government therefore had no plans to amend or repeal article 45 of the Code of Criminal Procedure. A criminal case might be dropped if the victim withdrew his or her complaint in the event that the case rested solely on the victim's testimony; such situations were not frequent, however. The victim of a sexual assault could marry the perpetrator but, although the courts might take the marriage into account, the criminal investigation would continue.

30. Possession of pornography, including pornography depicting minors, was punishable under article 242 of the Criminal Code, on the unlawful production and distribution of pornographic material or articles. The terminology used in that article and other relevant legislation was perhaps different from that used in the Optional Protocol and other international instruments, but research had shown that the laws of the Russian Federation were broadly compatible with international law. Offences under the Optional Protocol were offences in the Russian Federation, even though the provisions of the Protocol were not always directly reflected in the country's laws. The sale of a child disguised as an adoption, for example, was a crime.

31. **Mr. Kotrane** said that the differences between the State party's laws and the provisions of the Optional Protocol seemed not to be terminological alone. There also seemed to be differences in the way that offences were categorized. In that connection, it would be interesting to know, for example, whether the forced labour of a child would constitute the sale of a child or whether it was merely a violation of labour laws.

32. **Mr. Nelson** asked under what laws the sale of a child disguised as an adoption was criminalized. He also wished to know whether there were extensive background checks of prospective adoptive parents and whether the State party had any plans to ratify the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption.

33. **Mr. Zubov** (Russian Federation) said that background checks were standard.

34. **Mr. Silyanov** (Russian Federation) said that the laws on adoption had undergone considerable changes in the past four years. Under the Family Code, only the courts could authorize adoptions. International adoptions were possible when adoptive parents could not be found in the Russian Federation. In 2017, 380 children under the jurisdiction of the Russian Federation had been adopted by persons living abroad. Adoption agreements had been entered into with France, Italy and Spain. An agreement with Israel would be signed shortly, and preparations were being made for the conclusion of agreements with Malta and New Zealand.

35. **Mr. Zubov** (Russian Federation) said that any form of trafficking in or sale of human beings was punishable under article 127 of the Criminal Code. The use of child slave labourers was an aggravating circumstance that led to stiffer penalties for violations of the general prohibition on slave labour. In the Russian Federation, however, children were not forced to work in factories or on farms. Children were occasionally forced into prostitution or other such activities, including by their families, but as the people of the country were strongly opposed to such crimes, any families that enslaved their children would surely be reported by their neighbours, and the Criminal Code made it possible to punish the perpetrators of those crimes quite harshly.

36. If a Russian abroad committed an act that constituted a violation of the laws of the Russian Federation, he or she could be returned to the country to answer for his or her actions in court. However, punishment might be limited to the punishment imposed on the Russian in the foreign jurisdiction.

37. Legal persons could not be held criminally liable in the Russian Federation. Legal persons were, however, subject to administrative penalties. The number of acts for which

legal persons could be penalized was virtually unlimited, and the penalties could be severe enough to force the dissolution of the entity concerned. The officers of a corporation or other legal person were subject to prosecution for any criminal acts they committed but not simply for their status as officers of the entity in question.

38. The ties of the Office of the Presidential Commissioner for Children's Rights to the Office of the President ensured that it had a sufficient budget. The Commissioner's Office awarded grants to civil society organizations and received approximately 80,000 complaints from children or their legal representatives each year. The Office did not receive complaints of sexual abuse, however. Such complaints were made and investigated at the local level.

39. **The Chair** said that she wished to know how surrogacy was regulated in the State party and what efforts were made to combat child marriage in the North Caucasus, particularly in Chechnya, where the payment of a bride price for a girl was not uncommon.

40. **Mr. Kotrane** said that the State party's authorities should keep in mind that, although trafficking in children, punishable under the Criminal Code, and the sale of children were similar, they were not exactly the same. Trafficking in children, which was addressed in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, entailed cross-border movements.

41. **Mr. Cardona Llorens** said that he wished to know what measures had been put in place to prevent the rise in sex tourism and child prostitution that invariably accompanied such large-scale sporting events as the Fédération Internationale de Football Association (FIFA) World Cup, which the State party was about to host.

42. **Ms. Aho Assouma** said that she would welcome clarification of the difference between the 200 children's shelters operating in the State party and the children's dormitories that had apparently housed tens of thousands of children as recently as 2009. She wondered whether an oversight mechanism had been put in place to ensure that children in dormitories or shelters were not subjected to sexual abuse. She also wondered what steps were taken to ensure that all births were registered, particularly in the farthest-flung areas of the country.

43. **Ms. Sandberg** asked how the authorities could protect asylum-seeking and refugee children if they did not take steps to identify them. She also asked what efforts were made to ensure that such children had access to education even if they were still awaiting residence permits.

44. **Mr. Zubov** (Russian Federation) said that the situation with regard to migration in the Russian Federation was not at all like the European migrant crisis of recent years. Refugees in the Russian Federation did not live in tents, and child migrants were entitled to education and health care on an equal basis with others. It was true that refugees had streamed in from south-eastern Ukraine during the period of active hostilities there, but many had been taken in by relatives. Those refugees were offered citizenship under a special decree.

45. Although prostitution, including child prostitution, had been widespread and visible in the Russian Federation a decade earlier, it had since been driven underground. There were occasional cases of child prostitution, but it was not at all systematic. Any cases that came to the attention of the authorities were dealt with appropriately. Prostitution involving child migrants was not an acute problem.

46. Surrogacy arrangements were popular in the Russian Federation. There had been a few scandals, none of which had involved the sale of a child, but they had been resolved in the country's civil courts.

47. **Ms. Baybarina** (Russian Federation) said that surrogacy was regulated by various pieces of legislation, including the Family Code. Only gestational surrogacy, where the surrogate mother was genetically unrelated to the baby, was permitted.

48. **The Chair** asked whether the Government had adopted criminal legislation to prevent surrogacy practices that amounted to the sale of children.

49. **Mr. Zubov** (Russian Federation) said that surrogate mothers who committed criminal offences such as extortion were liable to prosecution under the Criminal Code. Cases in which the surrogate mother wished to keep the baby would, in theory, be dealt with in civil court; however, no such cases had ever arisen. Although the Family Code established that the minimum age for marriage was 18 years, exceptions were permitted on various grounds in many constituent entities of the Russian Federation.

50. **The Chair** said that the Committee was particularly concerned about reports that, in Chechnya, young girls were given as brides in exchange for a sum of money.

51. **Mr. Zubov** (Russian Federation) said that marriage practices were dictated by religion and custom. The payment of a bride price was traditional in religions such as Islam.

52. Measures would be taken to maintain public order and combat prostitution during the 2018 FIFA World Cup. There would thus be little opportunity for prostitutes or their clients to exploit the event, and he would not expect to see any cases of child prostitution.

53. His Government would welcome constructive proposals from the Committee as to how national legislation could be aligned with the Optional Protocol. Lastly, birth registration in remote areas was not a problem; the procedure was managed by the local authorities.

54. **Ms. Aho Assouma** said that her questions regarding dormitories and shelters for children had not yet been answered.

55. **Mr. Silyanov** (Russian Federation) said that social rehabilitation centres, which were managed by the social protection authorities, housed children for a maximum of six months. Children in those centres were supervised by adults at all times. There were also non-residential psychological support centres, which were staffed by psychologists and managed jointly by the education authorities and the social protection authorities. A plan for the development of psychological support services had been drawn up in December 2017.

56. **Ms. Baybarina** (Russian Federation) said that the Government was preparing a comprehensive plan for the Decade of Childhood that included a wide range of measures to promote children's rights.

57. **Mr. Cardona Llorens**, insisting that child prostitution was a problem at all major sports events, said that he would like to know whether the Government had adopted a specific policy for the prevention of child prostitution at the 2018 FIFA World Cup. With regard to surrogacy, it was still not clear what conditions a surrogate mother must fulfil, how much money she could be paid and whether she could refuse to hand over the child.

58. **Ms. Baybarina** (Russian Federation) said that the law did not provide for the payment of a specific sum to the surrogate mother. Under the agreement signed between the parties, a payment might be made to the surrogate mother to improve her living conditions and to ensure that her needs were met. Under the Family Code, the biological parents were not considered the lawful parents of the child until the surrogate mother had given her consent.

59. **Mr. Zubov** (Russian Federation) said that, in some circumstances, the biological parents covered the costs of the entire surrogacy procedure. If the surrogate mother wished to keep the child, the biological parents could seek compensation through civil proceedings.

60. The Government was preparing a plan for the maintenance of public order during the 2018 FIFA World Cup, which included measures to protect spectators from antisocial behaviour such as prostitution. Child prostitution was of course taken into account in efforts to combat prostitution, but it was not a specific problem in the Russian Federation.

61. **Mr. Nelson** said that he would like to know what steps were being taken ahead of the 2018 FIFA World Cup to tackle the problem of child begging, especially the trafficking and exploitation of children with disabilities for begging purposes.

62. **Mr. Zubov** (Russian Federation) said that child begging was very rare in the Russian Federation and was dealt with immediately by the police when it occurred. Adults

who involved children in antisocial activities were liable to prosecution under the Criminal Code.

63. **Ms. Aldoseri**, drawing attention to the in-depth global study on children deprived of liberty that was currently being conducted, said that it would be very useful for the State party to complete the questionnaire that had recently been sent out by the independent expert who was leading the study.

64. **Mr. Kotrane**, thanking the delegation for engaging in a fruitful dialogue, said that, if the Committee's questions had seemed not to reflect the current situation in the Russian Federation, that was because the Committee's main aim was to ensure that preventive measures were taken by all States parties to safeguard against potential problems. Although many relevant policies had been adopted by the Russian Federation, there was still work to be done. He hoped that the authorities would address the shortcomings that had been identified during the dialogue.

65. **Mr. Zubov** (Russian Federation) said that he wished to thank the Committee for an interesting, direct and substantive dialogue. He hoped that the Committee would remain objective in its assessment and recommendations. His Government would continue its efforts to protect the rights of children, particularly in the face of threats posed by modern technology and the Internet. It stood ready to work with other countries on the development of international standards in that area, which, like all such standards, must take account of local traditions and cultures and respect national sovereignty. It would review the Committee's recommendations carefully and use them in its work. The observation regarding the questionnaire relating to the in-depth global study on children deprived of liberty would be transmitted to the relevant authorities. Lastly, his country had prepared thoroughly for the 2018 FIFA World Cup, in order to provide excellent facilities and ensure a high level of security; the problems mentioned by the Committee were unlikely to arise.

66. **The Chair** said that the Committee was a treaty body not a court: its aim was not to pass judgment but to assist the State party. She hoped that the Government would provide a copy of its child protection strategies, so that they could be shared with other States parties as an example of good practice.

The meeting rose at 12.55 p.m.

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Held at the Palais Wilson, Geneva, on Tuesday, 22 May 2018, at 3 p.m.

Chair: Ms. Winter

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Second periodic report of Lesotho

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The meeting was called to order at 3.05 p.m.

Consideration of reports of States parties (*continued*)

Second periodic report of Lesotho (CRC/C/LSO/2; CRC/C/LSO/Q/2 and CRC/C/LSO/Q/2/Add.1)

1. *At the invitation of the Chair, the delegation of Lesotho took places at the Committee table.*

2. **Mr. Moletsane** (Lesotho) said that Lesotho had a comprehensive legal child protection framework that was in line with the provisions of the Convention. In order to implement the framework, the Government, through the relevant ministries, worked in cooperation with civil society organizations and development partners. The Children's Protection and Welfare Act 2011 safeguarded the rights of children, including the rights to identity, birth registration, education and health, and affirmed the responsibility of parents and the State to protect and fulfil those rights. It emphasized that all actions must be in the best interests of the child and provided special protection to children in need of care or in conflict with the law. The Act was complemented by the National Policy on Orphans and Vulnerable Children, which prioritized such areas as socioeconomic security, quality of care, education, health and nutrition. For its part, the National Policy on Social Development 2014/15–2024/25 placed particular focus on vulnerable and marginalized groups, including street children, children not attending school and children in conflict with the law.

3. Major economic initiatives had been put in place to improve the welfare of children. They included grants for poor households caring for children; bursaries for orphans and vulnerable children attending secondary schools registered with the Ministry of Education and Training; and free meals in preschools and primary schools. Those programmes were implemented with the cooperation and support of civil society organizations, non-governmental organizations (NGOs), United Nations agencies and other development partners, including the European Union.

4. As part of its commitment to address the needs of children, the Government allocated between 35 and 40 per cent of the national budget to such services as education, health and water supply, which many people, particularly in rural areas, were still unable to access, owing to difficult topography. Other difficulties faced by the Government included limited resources, poor coordination between actors, and inadequate monitoring and evaluation mechanisms. It was therefore necessary to create an integrated, cost-effective and affordable system that would deliver a positive impact despite limited resources.

5. **Ms. Skelton** (Country Task Force) said that the Committee welcomed the submission, albeit late, of the State party's report. It was apparent that there had been many positive developments since the State party had last reported to the Committee, in particular on the legislative front. The Committee also appreciated the candid picture the report provided of the challenges faced in implementing children's legislation.

6. With regard to the Children's Protection and Welfare Act, she wished to know whether regulations had been drafted to facilitate its implementation and, if so, whether there had been any intersectoral involvement in that connection. Noting that the Act was being amended to address shortcomings, she asked what gaps had been identified and how the amendments would address them; what process had been used to identify the gaps; and what the status of the amendment was. Regarding the costing of the implementation of the Act, it would be interesting to know which aspects had been costed, what the costing had shown and how valuable the exercise had been.

7. Regarding the mention of the need for early identification of, among others, trafficking cases, she asked whether the State party could really afford different protection systems for different categories of vulnerable children. It seemed that what was needed was a strengthened comprehensive child protection system that enabled early identification of all problems relating to children. She would therefore welcome further details of the Government's plans regarding an integrated, affordable system.

8. The Committee welcomed the fact that the Government was working to expand the scope of the National Orphans and Vulnerable Children Coordinating Committee. However,

she wished to know whether the Committee would be hindered by being a subdirectorate of the Department of Social Welfare rather than an independent body. Did the Government intend to establish the Committee's mandate in law?

9. It was disappointing that the provisions governing the Human Rights Commission did not currently envisage a specific focus on children's rights. She therefore wondered whether at least one of the future commissioners could be appointed on the basis of his or her knowledge of children's rights and whether the focus on children's rights in the Commission could be expanded over time.

10. The introduction of the Child Grant Programme was a positive step, but she wished to know how it worked; who was eligible; what the take-up was; and whether the amount of the grant was sufficient to solve problems related to malnutrition and stunting. It would be helpful to know more about how the Government planned to use the Programme's data-collection system as a building block to create a more comprehensive data-collection mechanism.

11. **Ms. Otani** (Country Task Force) said that she would appreciate clarification as to whether, following enactment of the Children's Protection and Welfare Act Amendment Bill, a child would be defined uniformly as any person under the age of 18 in the Constitution, the Children's Protection and Welfare Act and the Sexual Offences Act. As the Bill would repeal the provision in the Marriage Act that allowed girls to marry at 16, she asked whether the Sexual Offences Act and customary law would also be amended as they also allowed girls to marry at that age. In view of the State party's dual legal system, she wished to know what would happen if civil law prohibited child marriage but customary law allowed it, in particular whether civil law would prevail and enable the marriage to be declared void. Given the high rate of child marriage, she asked whether it would be possible to enact targeted legislative measures to prohibit child marriage while the Children's Protection and Welfare Act was still under review. In addition to legislative reform, what measures was the Government planning to end child marriage?

12. Although the Amendment Bill provided for the repeal of most discriminatory clauses in legislation, it had not addressed provisions discriminating against girls in inheritance cases. She wished to know why the issue had not yet been addressed and when the Government planned to review it. Moreover, as discrimination against various groups of children persisted, she asked what measures were planned to eliminate discrimination in practice, in addition to any legislative measures to repeal discriminatory laws. Would the Human Rights Commission be able to receive complaints from children about discrimination and provide remedies?

13. It was commendable that the best interests of the child principle had been incorporated into domestic legislation, and that it was taken into account in decisions on child custody and maintenance and when a child was required to give evidence in camera. Was the principle also implemented in decisions involving alternative care and adoption, and had judges and persons working in alternative care services received training on the principle?

14. The Committee was aware of reports of children who had been killed for the purpose of using their body parts to make medicine. She would appreciate information on any such cases, including the status of investigations and criminal proceedings, and on any measures taken to protect children from such offences.

15. She welcomed the establishment of the children's parliament and would appreciate further information on it, such as whether it received sufficient resources and support; whether it was accessible to all children, including those in vulnerable situations; and whether similar platforms existed at the municipal or community levels. As prevailing social attitudes prevented children's views from being considered within families and communities, she asked whether the Government was making efforts to raise awareness and promote respect for the views of children. Were the views of children taken into account in judicial and administrative proceedings affecting them, and did judges and other professionals receive relevant training?

16. It was the Committee's view that corporal punishment should be explicitly prohibited in law in order to change the perception in society that such punishment was acceptable. It

was a matter of concern, therefore, that the State party's legislation did not explicitly prohibit corporal punishment in all settings; she wished to know whether the Government would consider taking legislative measures to that end. She asked whether the Government was taking any other steps, such as raising public awareness or providing support and training on positive discipline to parents, teachers and others working with children. Were there complaint mechanisms in schools that were safe and known to children?

17. The Committee was concerned by the large number of cases of violence against children and the increasing sexual abuse of school girls and girls in domestic work. She wished to know what kind of measures had been taken or were envisaged to prevent violence against children; whether reporting mechanisms, case referrals and processing procedures existed for cases of child abuse, sexual abuse and other forms of violence against children; whether it was mandatory for professionals working with children to report child abuse and, if so, to whom. In addition, she would welcome information on the status of the child helpline, and asked whether there was a national helpline accessible to children at all times. Lastly, it would be useful to know whether community-based policing programmes were effective in preventing violence against children; whether child victims of violence were provided with the necessary support and services for recovery and reintegration; and whether shelters were available for child victims.

18. **Mr. Mezmur** (Coordinator, Country Task Force) said that the Government had made commendable efforts to improve the birth registration system. He wished to know whether the planned assessment of the system had been carried out and, if so, what the findings had been; and what had been done or was planned to bring services closer to communities, particularly those in rural areas. Given discrepancies between the Registration of Births and Deaths Act and the Children's Protection and Welfare Act as to what constituted late birth registration, he asked which Act was applied at present, and what efforts were being made to prevent late registration penalties acting as a disincentive. He also wished to know whether the planned interministerial cooperation to increase birth registration had begun and what the expected results were. What had been the impact of moving the Office of the Register responsible for birth registration to the Ministry of Home Affairs and how had it improved the system?

19. He would appreciate information on the status and profiles of children who were stateless or at risk of statelessness, and examples of measures taken, including safeguards, to protect against child statelessness. In that connection, it would be interesting to know on what basis the State party's legislation justified discrimination against Basotho citizens born abroad and Mosotho women, which undermined the right of some children to acquire a nationality without discrimination, and what steps were being taken to protect such children from statelessness. He also asked why the Government restricted citizenship applications for stateless persons to those aged over 18 and lawfully resident in Lesotho. He would also welcome information on what was done to ensure the right of foundlings to nationality.

20. In view of reports that certain media reported on child rights issues related to children's rights in a manner that was neither ethically nor legally appropriate, he asked whether the Government planned to develop specific guidance on media reporting of children's rights and what challenges had been identified in that regard.

The meeting was suspended at 3.50 p.m. and resumed at 4.20 p.m.

21. **Mr. Masasa** (Lesotho) said that the process to develop regulations for the Children's Protection and Welfare Act had begun after the enactment of the Act in 2011. However, the Government had prioritized the development of amendments to address gaps in the Act and conflicts with other legislation. The Committee's comments would be taken into account during development of the amendments. Once the amendments had been completed, work on the regulations would continue.

22. In general, owing to the country's small size and limited resources, the Government favoured an integrated approach to the planning and implementation of programmes related to children's rights, including trafficking in children. In that connection, it would work with its partners and other stakeholders to develop means to best achieve its objectives and use the results of the costing exercise to identify ways to strategically use and maximize the resources available.

23. The National Orphans and Vulnerable Children Coordinating Committee, which was made up of representatives from Government, civil society organizations and other partners, acted as a central, technical body for issues related to children's rights. Discussions had taken place regarding its establishment as a statutory body. In order to further improve coordination, structures would be needed at different levels of government, in addition to existing committees at the district and subdistrict levels. The Government was taking steps to ensure that the Human Rights Commission would include a focus on children's rights.

24. **Ms. Ayoubi Idrissi** said that she would appreciate detailed information on the establishment of the Human Rights Commission, including whether consultations had taken place, whether relevant legislation had been adopted and what remained to be done.

25. **Mr. Gastaud** said that he wished to know whether the Human Rights Commission would be responsible for all victims of human rights violations or only child victims.

26. **Mr. Masasa** (Lesotho) said that relevant stakeholders could continue to provide input on the establishment of the Commission. A court case was ongoing in which a civil society organization had challenged some of the provisions for the establishment of the Commission.

27. **Mr. Litjobo** (Lesotho) said that civil society organizations had been closely involved in developing the law on the establishment of the Commission and had been given a platform to express their concerns at the parliamentary level. Their submissions had been duly considered and discussed in Parliament. However, a civil case had been brought before the courts relating to, among other things, commissioners' remuneration. Once the case had been settled, work on establishing the Commission would continue.

28. **Mr. Moletsane** (Lesotho) said that the Commission would address the complaints of all victims of human rights violations, but would pay particular attention to children's rights and needs. Recruitment of Commission members had not yet begun; the Government would ensure that one of the commissioners had expertise in the field of children's rights.

29. **Ms. Doti** (Lesotho) said that Government's ongoing reform efforts were designed to address identified gaps.

30. **Mr. Masasa** (Lesotho) said that the National Information System for Social Assistance was a database that had been introduced under the Child Grant Programme. After a pilot test revealed shortcomings in the approach used, the System had been reviewed and a new method of community-based consultation had been introduced. Information was gathered in the form of, among other things, a household census and entered into the database. Based on the information provided, families were categorized as ultra-poor, poor, not poor and rich, with 60 per cent of families falling within the first three groups. The System currently covered 75 per cent of rural communities; when full coverage had been achieved, all cash transfer programmes would be able to use the information gathered.

31. **Ms. Motheo** (Lesotho) said that the Government worked to ensure that children participated in the judicial system in decisions affecting them. Members of the judiciary and other relevant officials received training on issues related to children's rights, including dealing with child victims or witnesses, children in conflict with the law and children in custody cases. In order to protect the child's best interests, court intermediaries were provided in cases where children were considered too young to express their opinions.

32. **Ms. Sekete** (Lesotho) said that, in the past, the children's parliament had received tripartite financial support from the United Nations Children's Fund (UNICEF), World Vision and the Ministry of Social Development but that, as of 2018, it would be funded entirely from the government budget. The child helpline number had been changed to 116 and it was now accessible throughout the country. There had previously been helpline offices in two districts, but one of them had had to be closed when the donor-driven project had come to an end. The office was now in Maseru, and the helpline was staffed by professional social workers. Transferring responsibility for birth registration from local government to the Ministry of Home Affairs had been a positive move, as it was the Ministry that was responsible for maintaining vital statistics. Birth registration centres in hospitals had had to be closed, as the staff had been funded by a donor-driven project that had also ended. Negotiations were under way between the Ministry of Health and the Ministry of Home Affairs to reopen the centres and staff them with permanent government employees. In the

meantime, births were registered in local community structures, such as the offices of community councils or village chiefs. As part of the legislative harmonization process, the provisions on penalties for late birth registration, namely more than three months after the occurrence of the birth, were being repealed.

33. **Ms. Skelton** said that she would be interested to know whether the mechanism introduced to take account of the cultural practice of not naming the child immediately after birth, whereby the baby could simply be registered under the parents' names and changes made at a later date, was effective and whether there was a fee for making such changes.

34. **Ms. Sekete** (Lesotho) said that the process was effective, and parents did return to update their children's birth registration once a name had been chosen, as there was growing awareness of the need to have a birth certificate in order to access certain services. Of course, those who remained unregistered were not actually denied access in practice, but the process was simpler with a birth certificate. Children whose birth certificates were still in their parents' name had to re-register.

35. **Ms. Aho Assouma** said that she would be interested to hear what strategy was in place to deal with birth registration in remote areas and among nomads. She wished to know whether there were awareness-raising campaigns to explain the importance of a birth certificate for accessing certain services, whether birth registration fees were affordable even for the poor and whether a birth certificate was a prerequisite for acquiring nationality. She would like to know how many civil registry offices there were, whether there were any plans to computerize them, how the birth registration rate in the capital compared to that in rural areas, and how individuals who did not have a birth certificate could obtain one.

36. **Ms. Otani** said that she would welcome clarification of whether children were given the opportunity to express their views in proceedings related to alternative care and adoption.

37. **Ms. Sekete** (Lesotho) said that, in remote areas, children who had not been registered at birth could be registered at school; approximately 60 per cent of schoolchildren had been registered. A birth certificate was not a requirement for obtaining nationality; under the Constitution, any person born in the country acquired nationality. The views of children over the age of 12 were taken into consideration in decisions on alternative care and adoption, but for younger children the principle of the best interest of the child was applied.

38. **Mr. Mezmur** said that he would be interested to hear how citizenship laws were applied to foundlings. He would welcome an explanation of the reasons for allowing citizenship to be passed on to only one generation born outside the country, which could lead to statelessness. Referring to the provisions of section 10 (1) (a) and (b) of the 1971 Lesotho Citizenship Order, which required that a stateless person must have attained the age of 18 years and be lawfully resident in Lesotho before being able to apply for Lesotho citizenship, he said that he would like to know the reasoning behind the age requirement, what was meant by lawfully resident, and the consequences of those provisions on child statelessness. The delegation might also comment on how article 40 of the Constitution, which set out different rights for men and women to pass on their nationality to a foreign spouse, could affect childhood statelessness.

39. **Mr. Moletsane** (Lesotho) said that several weeks previously a proposed new legislative amendment had been presented to Parliament, which would include issues related to dual citizenship and would close a number of gaps. Lesotho was engaged in close cooperation and bilateral discussions with South Africa, its only neighbour, to address challenges in relation to statelessness.

40. **Ms. Sekete** (Lesotho) said that, as part of those bilateral relations with South Africa, a technical working group had been established and met quarterly to discuss issues such as unaccompanied minors and statelessness. Work was still in the initial stages, but terms of reference had been drawn up and efforts would be made to harmonize legislation in both countries to provide greater clarity.

41. **Ms. Motheo** (Lesotho), responding to a question on violence against children, including ritual killings, said that the Government, together with partners, was undertaking a study on violence against children so as to identify the scale of the problem and inform policies and guidelines. Efforts were being made to raise awareness of the phenomenon in

communities through the Crime Prevention Unit, the Child and Gender Protection Unit and other stakeholders.

42. **Ms. Lehora** (Lesotho) said that, under the 2010 Education Act, learners should not be subjected to cruel, inhuman or degrading punishment. Accordingly, programmes were in place in primary and secondary schools to equip both teachers and learners with the necessary knowledge and skills to detect, respond to and report violence and abuse in and out of school. There was also a manual on child-friendly schools. Children were agents of knowledge, and whatever they learned they shared with their parents, which meant that the measures would also have an impact in the family setting.

43. **Ms. Otani** said that she would be interested to know whether there were any mechanisms available to parents to report corporal punishment experienced by their children at school.

44. **The Chair** asked what avenues were available to children to report violence in the family and whether there were any programmes to teach parents about non-violent discipline.

45. **Ms. Ayoubi Idrissi** said that she would welcome information on corporal punishment in the family setting, and whether it was accepted and practised in the juvenile justice system.

46. **Mr. Gastaud** said that he would be interested to know whether any teachers had been convicted for practising corporal punishment in school.

47. **Ms. Nepo** (Lesotho) said that cases of corporal punishment reported to the police were treated like any other case and referred to the courts if necessary. The community crime prevention units handled minor cases, but if the case proved to be more serious the perpetrator could be arrested.

48. **Ms. Motheo** (Lesotho) said that the delegation would report back to the Government on the need to take account of corporal punishment in the family setting when the Children's Protection and Welfare Act was amended. Corporal punishment was prohibited in the juvenile justice system. The harshest penalty that could be imposed on children in conflict with the law was a 3-year custodial penalty, which was a last resort when all other alternatives had failed.

49. **Mr. Masasa** (Lesotho) said that the Government recognized the need for greater education and public awareness-raising to bring about a better understanding of such child protection issues.

50. **Mr. Mezmur** said that, while he welcomed the idea of explicitly banning corporal punishment in all settings under the Children's Protection and Welfare Act, he wondered what measures would be taken to bring about the necessary social, attitudinal and behavioural changes to support such a ban. The delegation might comment on efforts to develop a protocol for alternative disciplinary action in schools.

51. **Mr. Moletsane** (Lesotho) said that the Committee's concerns would be taken into account in the reform of the 2010 Education Act. Although Lesotho had a legal framework in place, when it came to banning corporal punishment it faced the challenges of enforcement and changing the social perception of the issue. Greater efforts would be invested in awareness-raising.

52. **Ms. Aho Assouma** asked whether the child helpline operated 24 hours a day; whether any complaints concerning corporal punishment had been received and, if so, how they had been followed up; and whether it had guided policymaking.

53. **Ms. Ayoubi Idrissi** said that she wished to know why the helpline had partially closed in two districts. Was it due to a lack of donors? It would be helpful to know how the helplines were financed and whether staff were being trained to take over management at the local level.

54. **Ms. Sekete** (Lesotho) said that the helpline operated for only eight hours a day owing to a shortage of staff. Complaints were forwarded to the competent authorities; for example, sexual abuse cases were referred to the Child and Gender Protection Unit of the police and the Ministry of Health and Social Welfare. Counselling services were provided where

needed. The service had previously been financed by international organizations such as Save the Children, and was currently run by local NGOs without government funding.

55. **Ms. Doti** (Lesotho) said that trained social workers offered counselling services in remote areas of the country.

56. **Ms. Otani**, noting the existence of private institutions supported by government funds, said that she would be interested to hear whether the Government planned to establish its own institutions; whether there was any monitoring mechanism to ensure that the private centres complied with the Residential Care Guidelines and Standards and whether they had enough space, financial and human resources to care properly for children who needed alternative care; and whether there were complaint mechanisms for children in those institutions. She wondered what steps the Government intended to take to address cases of abuse and maltreatment of children in informal foster care. Did the Government plan to collect data on those children and monitor their situation, or to promote formal foster care? She would appreciate clarification as to whether a court order was required by law in order to place children in alternative care institutions. If so, she wished to know why many children were placed in institutions without court orders, and what measures would be taken to prevent such a practice. It would be helpful to hear whether there were referral mechanisms for children who had been abused, separated from their parents, abandoned or orphaned.

57. She would be grateful for a description of the role of the adoption agency to be established under the Children's Protection and Welfare Act Amendment Bill 2018. She would also be interested to know whether the Foster Care and Adoption Policy and the Procedures and Practice Guidelines had been implemented. It would be useful to hear the reasons for the lengthy adoption procedures, what measures had been introduced to expedite them, and whether technical assistance would alleviate difficulties associated with record-keeping on adoptions. In view of the widespread misperception in society about adoption, domestic adoption was not widely practised; she would therefore like to know whether the Government promoted domestic adoption and, if so, how.

58. She would welcome information on the situation of children of incarcerated mothers. Specifically, she wished to know whether judges took the best interest of the child into consideration when sentencing parents. Did such children live with their parents in prison and, if so, were they provided with appropriate facilities and services?

59. **Mr. Mezmur** said that, according to his information, the Government had absorbed the costs associated with medical exemptions for vulnerable groups, including children. He would appreciate a definition of vulnerable groups, and a description of how the procedures for absorbing costs worked. He also wished to know the source of funding, in the light of the fact that donors' priorities often changed, making them an unreliable source of funding that might place children at risk. It would be useful to have an explanation as to how the National Supply Chain Strategic Plan would address the challenges faced in terms of medical supplies and what international assistance the Government received in that respect. He would appreciate an outline of the current situation in terms of prevention of HIV/AIDS and the areas that had yet to be addressed. He was aware that medical male circumcision was used as a means of preventing the transmission of HIV; however, he would welcome further information on the traditional, non-medical practice of male circumcision in initiation schools. Noting that 70 per cent of pregnant women living with HIV had access to services for prevention of mother-to-child transmission, he wondered what progress had been made towards full coverage and to what extent the services were government-funded. The development of a reproductive, maternal and newborn care strategy for 2018–2022 was commendable. He would appreciate an indication as to its current status and its criteria for success.

60. Turning to the issue of children with disabilities, he wondered whether the principles of State policy as set forth in the Constitution might be interpreted as imposing an obligation on the State to provide for the needs of persons with disabilities. The country faced challenges in terms of collecting disaggregated data on children with disabilities. He would be glad to learn what progress had been made in that regard, given that data were required to allocate resources appropriately, for example. He wished to know whether there was any scope for increasing the amount of social assistance for children with disabilities, which was low

compared to benefits allocated to other groups. He would welcome information on the use of sign language to improve access to justice.

61. More details on the Government's efforts to expand food security programmes for children under 5 and to combat childhood illnesses at the community level through outreach programmes would be appreciated. He wished to hear whether reports that the baby-friendly hospital initiative had not been implemented were accurate and, if so, why that was the case. It would be interesting to know how the legally mandated 12 weeks of maternity leave affected breastfeeding mothers and their children. Additional information would be welcome on efforts to finalize the review of the national strategy on water and sanitation aimed at driving the scale-up of community-led total sanitation in targeted communities.

62. He would appreciate comments on the progress made in addressing the issue of gender parity in the light of reports that, in some instances, progress in terms of gender parity in education was due to dropouts of boys rather than the enrolment of girls. He also wished to know what plans the Government had to expand programmes relating to early childhood care and development over the coming years. According to reports, many children refused to attend school owing to cold conditions in dilapidated school buildings in the winter. It would be useful to have additional information in that regard. Lastly, he asked what measures the Government had adopted to regulate fees and monitor the quality of private schools.

63. **Ms. Skelton** said that the State party report (CRC/C/LSO/2) appeared to blur the distinction between migrant, refugee and asylum-seeking children. In that connection, she would welcome clarification as to whether the law treated those categories of children differently. She would like to know whether migrant children were accepted in schools or whether their lack of documentation prevented them from accessing education. It would be helpful if the delegation could clarify the meaning of the term "placed" in paragraph 402 of the State party report, in reference to the placement of several child refugees and their families from Zimbabwe and the Democratic Republic of the Congo. Where had they been placed? Where were unaccompanied migrant children placed and were they treated as children in need of care and protection?

64. In view of the unwillingness of the foreign Governments concerned to finance the repatriation of trafficked children, she wondered whether the State party had representatives at the International Organization for Migration, which might be able to provide assistance.

65. She would be grateful for an explanation of a data discrepancy between the 2006 census, which had revealed that 24,000 children worked as herders, and the 2014 census, where the figure was 70,000. She asked whether the latter figure referred to the total number of herders, both adults and children alike. Furthermore, she wished to know what steps the Government had taken to disseminate the employment guidelines for herd-boys, including awareness-raising programmes, and to integrate former herd-boys into the education system.

66. Additional data on the number of street children would be helpful. The criminalization of begging was not an effective solution; she wished to know what other measures the Government had in place to remove child beggars from the streets.

67. In view of the prevalence of the issue of sexual offences against children, it would be very useful to have updated information in that regard. It was unclear from the data provided by the State party whether the increase in rape cases was due to an actual rise in the number of incidents or to other factors, which might include a heightened awareness of the issue and greater willingness to file reports. An assessment tool that distinguished between those factors would be useful. She asked what other child-friendly mechanisms existed, besides remote cameras, to help child victims of sexual abuse to testify in court.

68. The State party had enacted commendable legislative developments in terms of juvenile justice, such as moving towards a restorative rather than punitive approach, capping periods of detention at 3 years and raising the minimum age of detention to 14. She wished to know whether children were sometimes detained in adult prisons, and what sentences could be handed down to children. How many children were in prison? Were those in pretrial detention held in police cells or, if not, where? It would be helpful to learn more about juvenile training centres and approved schools, including what lessons were taught, how many children attended and how the two institutions were different. Noting that children

under the age of 10 could not be prosecuted and children over the age 14 could, she would appreciate the delegation's comments on the rebuttable presumption of the lack of criminal capacity of children between those ages. She wondered what other options the Government might consider, such as establishing a single age of criminal responsibility at which children could face prosecution, for example.

69. She asked whether the Committee would receive the State party's first periodic report for the Optional Protocols to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and on the involvement of children in armed conflict in the near future, and whether the Government intended to ratify the third Optional Protocol on a communications procedure.

The meeting rose at 5.50 p.m.

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Seventy-eighth session

Summary record of the 2295th meeting
Held at the Palais Wilson, Geneva, on Wednesday, 23 May 2018, at 10 a.m.

Chair: Ms. Winter

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Second periodic report of Lesotho (*continued*)

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The meeting was called to order at 10 a.m.

Consideration of reports of States parties (*continued*)

Second periodic report of Lesotho (*continued*) (CRC/C/LSO/2; CRC/C/LSO/Q/2 and CRC/C/LSO/Q/2/Add.1)

1. *At the invitation of the Chair, the delegation of Lesotho took places at the Committee table.*

2. **The Chair** invited the delegation to reply to questions asked at the Committee's previous meeting.

3. **Ms. Sekete** (Lesotho) said that the proposed amendments to the Children's Protection and Welfare Act would ensure that children aged over 16 but under 18 who were victims of sexual offences would receive the same protections in court proceedings as any other children. The definition of "child" in the Sexual Offences Act 2003 would be harmonized with the definition in the Children's Protection and Welfare Act. Section 76 of the bill amending the latter Act stated that children under 18 years of age did not have legal capacity to consent to a contract of marriage and that no person was permitted to marry a child under 18.

4. The Government recognized the need for additional alternative care centres and was considering the possibility of establishing its own centres. However, in view of the current management challenges in the two existing centres, the Government intended, in the short term, to strengthen its collaboration with the community-based organizations that operated the centres, including by increasing the subventions provided to those organizations. It would also take steps to enhance the training of care providers and to improve government monitoring and supervision tools.

5. **Mr. Moletsane** (Lesotho) said that, although the definitions of "child" in various laws differed, under the Interpretation Act No. 19 of 1977 as amended in 1993, the provisions of any specialized legislation always overrode the provisions of other legislation. Accordingly, the courts always referred to the specialized legislation, which in the case of matters relating to the definition of "child" was the Children's Protection and Welfare Act.

6. **Ms. Otani** (Country Task Force) said that it remained unclear whether marriage of girls who were under 18 years of age was now prohibited by law. She would appreciate clarification.

7. **Ms. Sekete** (Lesotho) said that the proposed amendments to the Children's Protection and Welfare Act would set the minimum age for marriage at 18. The Government was hopeful that the amendments would be enacted before the end of 2018. With regard to complaints reporting mechanisms for children in alternative care institutions, the only reporting mechanisms currently in place were for caregivers. However, the Government was developing a case management system that would incorporate various reporting tools, including a reporting mechanism for children in care facilities. It also planned to strengthen its awareness-raising efforts to ensure that children knew that they had the right to report any abuse suffered in a care facility. The Government was planning to collect data on informal foster care. Guidelines and procedures were in place for the administration of foster care and adoptions. Increased awareness-raising was needed, however, in order to bring about the cultural change required to formalize informal foster care. The Government planned to conduct awareness-raising programmes targeting community leaders and communities themselves.

8. **Ms. Skelton** (Country Task Force) said that it was unclear whether the change in the minimum age for marriage would apply in respect of traditional marriages performed under customary law. She also wondered whether, under the Interpretation Act, the definition of "child" in the Constitution could be overridden and how difficult it would be to amend that definition in order to bring it into line with the definition in the Convention. She would be interested in hearing more about the Government's plans to formalize informal and kinship care arrangements. Her country's experience indicated that formalizing such arrangements placed a heavy burden on social workers, and she wondered whether sufficient resources were available in the State party to ensure the necessary supervision.

9. **Mr. Moletsane** (Lesotho) said that a sweeping national reform process, encompassing constitutional, security and public safety reforms, was currently under way. That process would afford all sectors the opportunity to push for needed reforms. In that environment, he believed it would be relatively easy to amend the definition of "child" in the Constitution.

10. **Mr. Masasa** (Lesotho) said that a network of social workers was in place in communities across the country. The Government was aware that formalizing kinship care arrangements would create a great deal of work for those social workers, but, in its view, the advantages of doing so would far outweigh any disadvantages. Among other benefits, formalizing informal care would protect children from property-grabbing by relatives.

11. **Ms. Sekete** (Lesotho) said that awareness-raising would be an important component of efforts to formalize foster care. Families had to be made aware of the fact that the placement of a child in any kind of foster or kinship care setting must be ordered by the courts. They also needed to understand the importance of reporting the deaths of parents, so that all cases of orphaned children could be registered. Better record-keeping would enable better supervision. However, bringing about such cultural change would take time. A court order was also required for the placement of children in alternative care institutions. Children who were orphaned or abandoned must be placed in a care setting within 48 hours, even if they were found at the weekend when the courts were closed. Magistrates and social workers who dealt with children's issues had been trained in the drafting of court orders. As a result, there were now few cases of children being placed in a care facility without a court order.

12. The adoption agency to be established pursuant to the proposed amendments to the Children's Protection and Welfare Act would be responsible for determining the adoptability of children, assessing the suitability of prospective parents and facilitating the adoption process through the provision of counselling for both adoptive parents and parents who decided to relinquish their children. It would submit yearly reports to the Central Authority on its activities. The Government would welcome technical assistance to enable it to strengthen adoption procedures and expedite the adoption process, especially for domestic adoptions. The process tended to be slow at present because it often took considerable time to establish that a child had no living relatives. Obviously, it was in children's best interests to be adopted by blood relatives, provided, of course, that they were not at risk of suffering any ill-treatment at the hands of the adoptive family.

13. **Ms. Motheo** (Lesotho) said that Lesotho currently had one correctional centre where breastfeeding mothers could feed and care for their infants. The Government was currently building a new correctional centre for women that would be equipped to meet the needs of imprisoned mothers and their children.

14. **Ms. Skelton** said that a risk of building a new prison was that judges might be more likely to sentence women with children to prison rather than considering non-custodial options. She wondered whether any effort was being made to avoid sentencing primary caregivers to prison.

15. **Ms. Motheo** (Lesotho) said that courts normally imposed community-based sentences for women with children. Imprisonment was a last resort. As it was sometimes necessary, however, the Government considered it important to improve prison facilities.

16. **Ms. Sekete** (Lesotho) said that the medical fee exemption was part of the public assistance offered to vulnerable households and individuals. Such assistance was provided on the basis of an assessment of the situation of the household or individual. Those who were found to qualify were exempted from the payment of medical fees. The exemptions, which were funded out of the budget of the Ministry of Social Development, applied only to hospital care; all clinics in the country provided health care free of charge.

17. **Ms. Nkuatsana** (Lesotho) said that the situation with regard to stockouts of medicines had improved as a result of several initiatives. One was the "last mile" delivery system, which helped to ensure that medicines ordered from the National Drugs Supply Organization reached their destination. The "informed push" system helped to ensure that the amount received matched the amount ordered. A logistics management and information

system provided an electronic means of submitting and tracking orders for medicines and other health-care supplies. Health facility staff had been trained to use the system to determine when to submit orders in order to ensure timely delivery and avoid stockouts.

18. With regard to the Government's plans for taking over responsibility for donor-funded drug supply projects, it had allocated a budget for medicines and vaccines, and the Ministry of Health was striving to enable the country to become self-sufficient. For the present time, however, it continued to rely on donor support.

19. The Government was working hard to prevent HIV transmission. It was collaborating with civil society organizations to promote behavioural change and had trained teams of young people to deliver a comprehensive sexuality education programme and to act as peer counsellors. Non-governmental organizations were promoting condom distribution and use; the Government had worked with them to develop suitable messaging to enable young people to understand the benefits of condom use. Young people also formed part of outreach teams and were helping to encourage other young people to seek sexual and reproductive health services, including HIV testing. Health service providers had been trained to offer adolescent-friendly services and health-care facilities had set up "adolescent health corners" staffed by young people, who provided health information and counselling to their peers. With regard to traditional male circumcision, the Ministry of Health had engaged a professional nurse who was working with traditional healers and other community members to encourage young men to undergo voluntary medical circumcision rather than traditional circumcision in initiation schools.

20. **Ms. Aho Assouma** said that she wished to know how much of the national budget was allocated to health. She would also like to know how the State party ensured immediate emergency care and follow-up care for children in remote areas. Similarly, she wondered whether vaccination campaigns reached all children in such areas. If not, what was done to identify and vaccinate unimmunized children? She would appreciate information on the vaccination coverage rate and the status of the cold chain. Was it possible to ensure that vaccines were kept at the proper temperature, even in the most remote areas? Many countries in Africa relied entirely on the United Nations Children's Fund (UNICEF) for vaccine procurement. She wondered whether that was the case in Lesotho.

21. She would like to hear what was being done to prevent rickets, which seemed to be a persistent problem. Information on any programmes to combat obesity would also be appreciated, as would information on programmes or strategies to enable the population to access safe drinking water and prevent waterborne diseases, especially in rural areas. It would also be interesting to hear what the Government was doing to ensure that pregnant women scheduled to undergo caesarean deliveries received complete, high-quality caesarean kits that included blood bags. Were such kits provided free of charge?

22. Mother-to-child HIV transmission rates remained quite high in the State party, and she wondered what steps the Government was taking to prevent such transmission and what measures were in place to manage pregnancy in HIV-positive women and to protect their babies from infection. Had the State party implemented the option B+ programme launched by the World Health Organization in 2015? Lastly, she would like to hear what, in the delegation's view, accounted for the large number of early pregnancies and the high rates of sexually transmitted infections, including HIV infection, among young women.

23. **Ms. Nkuatsana** (Lesotho) said that children received priority treatment at health facilities under the Integrated Management of Childhood Illness programme. Vaccination coverage was currently 68 per cent. Awareness campaigns on the benefits of immunization were being run by the Ministry of Health and Social Welfare, with the support of local health centres. Vaccine storage was centralized for the time being. Vaccine costs were covered partly by the Government and partly by international partners such as the GAVI Alliance.

24. The Environmental Health Division of the Ministry of Health and Social Welfare was working with schools and communities to raise awareness of the most common waterborne diseases. Pregnant women were advised to undergo a check-up at an antenatal clinic during the first trimester of the pregnancy in order to ascertain whether they would require a caesarean section. Blood banks had been set up in three regions of the country and

awareness campaigns had been launched to address the shortage of blood donors. Women who underwent a caesarean section in hospital were required to pay a fee; however, that fee was so low that it was easily affordable for most women.

25. HIV/AIDS testing and counselling were available to pregnant women at antenatal clinics. All women who had been tested, whether they were HIV-positive or not, were monitored for a period of 18 months after the birth of their child. The HIV DNA polymerase chain reaction test was performed on infants who had been exposed to HIV/AIDS, immediately after birth and at regular intervals up to the age of 18 months. Community health workers followed up on individual cases at the local level to make sure that women did not miss their appointments.

26. Steps were being taken to increase the information available to adolescents on topics such as HIV/AIDS and birth control and a pilot project to promote HIV self-testing among young people was under way.

27. **Mr. Masasa** (Lesotho) said that professional health workers received training on traditional practices such as circumcision and responded to medical emergencies relating to such practices. Although various programmes had been introduced to change social attitudes towards practices of that kind, it would take time for those programmes to have an impact. The Government was aware that it needed to improve its data-collection system and to tackle the prevalence of early marriage through awareness campaigns.

28. **Ms. Nkuatsana** (Lesotho) said that the strategy on the elimination of mother-to-child transmission was under review. Nutrition corners had been set up in medical facilities to provide information to mothers on preparing food for children of different ages.

29. **Ms. Letsie** (Lesotho) said that, under a new bill amending the Labour Code, the minimum length of paid maternity leave would be increased to 14 weeks. A bill on the payment of wages during maternity leave was also being prepared. Advocacy campaigns had been launched to promote the ratification of the International Code of Marketing of Breast-milk Substitutes and the International Labour Organization (ILO) Maternity Protection Convention, 2000 (No. 183).

30. **Ms. Sekete** (Lesotho) said that, according to the 2016 housing and population census, there were around 45,500 persons with disabilities in Lesotho, of whom 59 per cent were women. The data that had been collected through the census were disaggregated by type of impairment: for example, 20 per cent of persons with disabilities were hard-of-hearing, while 36 per cent had visual impairments.

31. **Ms. Motheo** (Lesotho) said that the Government had committed to providing sign language interpreters in courts where required. There were plans to improve initial and in-service training for justice system officials on the provision of services to persons with disabilities.

32. **Mr. Masasa** (Lesotho) said that, although there was no cash grant programme for persons with disabilities, such persons were eligible for support under the general public assistance programme. A social protection floor would be established within the next three years, on the basis of data gathered through the National Information System for Social Assistance.

33. **Ms. Motheo** (Lesotho) said that standard operating procedures relating to alternative care were being developed in collaboration with UNICEF. Those procedures should be in place by the end of 2018.

34. **Ms. Sekete** (Lesotho) said that the Government was working with civil society organizations to reduce the number of children in street situations through family reunification initiatives, assistance packages for poor families and school bursary programmes for vulnerable children. There were no data available on the number of children in street situations.

35. **Mr. Mezmur** (Coordinator, Country Task Force), pointing out that the rate of HIV/AIDS infection among children and adolescents remained high, said that he would like more information about the Government's targets with respect to the prevention of

HIV/AIDS. He would also be interested to hear what the Government hoped to achieve through its maternal and newborn care strategy for 2018–2022.

36. Noting that the Constitution stipulated that the Government should cater for the needs of persons with disabilities, he asked whether that provision was interpreted as establishing a right or expressing an aspiration. It was also unclear how the aforementioned data on persons with disabilities were being used in the development of policies and why there was such a disparity between the social assistance available to some sectors of the population, such as older persons, and those available to persons with disabilities.

37. He wondered whether nutrition corners had been set up in all health facilities throughout the country and what steps were being taken to increase the coverage of the informed push system, which was designed to improve medical supply management. Lastly, he would like to know whether there were plans to implement the baby-friendly hospital initiative and what efforts were being made to finalize the national strategy on water and sanitation.

38. **Ms. Ayoubi Idrissi** asked whether the Government intended to carry out a study of children in street situations. In addition, she wondered whether the Government should not take more responsibility for initiatives to help such children, most of which currently appeared to be the work of civil society.

39. **Ms. Aho Assouma** said that she wished to know whether mental-health specialists were available, in particular for child victims of sexual abuse or violence. She also wished to know what steps had been taken to help people deal with the problems — drought, for example — caused by climate change. In addition, she wondered whether the State party had put in place programmes to combat corruption.

40. **Ms. Nkuatsana** (Lesotho) said that guidelines for the care and treatment of survivors of sexual abuse were being developed. A number of health-care facilities had so-called adolescent health corners, and hospitals in three of the country's districts had psychologists available to work with child victims of sexual abuse. Nurses had the training to work with such victims, and efforts were being made to ensure that doctors received such training, too.

41. Following through with the baby-friendly hospital initiative had been a challenge. Performance-based funding was being used in part to ensure that, despite the challenges that following through on the initiative posed, the country had hospitals designated as friendly to babies.

42. The Ministry of Health and Social Welfare had only recently begun involving young people in the planning and implementation of programmes to improve their health. It was too early to know how effective that strategy was. The authorities' focus on children living with HIV had in some respects caused them to lose sight of children who were HIV negative. Steps were therefore being taken to empower and inform young people equally.

43. Adolescents could turn to health-care facilities for information on HIV and other sexual and reproductive health issues. Young people were also given a choice of family-planning methods and encouraged to use condoms even if they also relied on another form of birth control.

44. Many health-care facilities had what were referred to as nutrition corners, but because most nutritional programmes depended on donors, the funds to hire nutritionists were not always available. Most nutritionists worked in hospitals. Plans had been made to expand an electronic system for ordering medication, which had been tested in one location, to other health facilities.

The meeting was suspended at 11.30 a.m. and resumed at 11.50 a.m.

45. **Mr. Masasa** (Lesotho) said that Lesotho had launched a project to enhance the efficiency and equity of cash transfers, including the transfers made as part of the Lesotho Child Grants Programme and scholarships awarded for secondary education. One of the aims of the project was to ensure that persons who did not qualify for transfers did not receive them and thus to expand coverage of transfer programmes without having to find additional outside resources. In some cases, the amounts transfer recipients were entitled to

had been set five or six years earlier and were not indexed to inflation, causing the value of the transfers to fall. The project would look into ways of offsetting that fall.

46. Community-based rehabilitation of persons with disabilities had been undertaken as part of a programme supported by the Government of Denmark. Previous initiatives had failed to focus on integrating persons with disabilities in their communities and had been unsuccessful as a result. A new approach, in which the focus was on integration in community life, informed the Government's current efforts in that area.

47. Climate change affected local food production, with land lying fallow because of drought. In preparation for the launch of a zero-hunger strategy, it had become clear that the private sector was better equipped than the Government to mitigate the effects of climate change. The Government had therefore been working with small farmers to help them increase their productivity and thus, while seeking a profit for themselves, contribute to the security of the country's food supplies.

48. **Ms. Aho Assouma** said that the delegation should indicate whether the State party intended to adopt the World Health Organization's option B+, a set of guidelines for the prevention of mother-to-child transmission of HIV and AIDS. She wished to know what plans the new executive authorities had to lower the very high prevalence of HIV in the State party.

49. **Ms. Nkuatsana** (Lesotho) said that Lesotho had adopted option B+ in 2015. As part of the "Test and Treat" strategy, every woman who tested HIV positive was put on antiretroviral drugs. The final draft of the Water, Sanitation and Hygiene Strategy would be adopted in the coming days.

50. **Ms. Nepo** (Lesotho) said that detained children were returned to their parents or guardians to await their court appearances, not kept in police cells. Statistics on sexual offences could be provided in writing.

51. **Ms. Lehora** (Lesotho) said that boys dropped out of school to become herders and thus help their families put bread on the table. Under the Education Act (2010), however, primary schooling was compulsory, and the parents or guardians of children of primary-school age who did not attend school were supposed to be reported to the police. Considerable efforts had been made to raise awareness of the Act before it had entered into force. Learning centres scattered throughout the country made it possible for boys who had dropped out of school to learn to read and write. Sentebale, a charity, promoted boys' education in mountainous districts such as Mokhotlong and Thaba-Tseka.

52. Preschool enrolment rates had increased in recent years. A multipronged approach, involving State-funded reception classes, privately-run learning centres and volunteer- or parent-directed home learning, was taken to early childhood care and development. The number of learning centres was increasing, not least because there were not enough inspectors to supervise the work of the parents or other volunteers who led the home-based learning and development activities.

53. The Government certified private schools and regulated the fees they charged. The regulations were not always effective, however. New schools were built every year, but it was not possible to replace the schools that had fallen into disrepair, many of which had been built by churches years earlier, all at once.

54. **Mr. Moletsane** (Lesotho) said that the policy of providing free primary education had been adopted in 2000. The Government had begun building more schools — every year, public funds were set aside to build new classrooms in every district — but schools run by churches continued to enrol large numbers of students.

55. **Ms. Aho Assouma** said that she wondered what accounted for the high rates at which students were held back and how the schools dealt with girls who became pregnant.

56. **Mr. Moletsane** (Lesotho) said that teenage pregnancy was a concern. A school health and nutrition policy, which would provide guidance on responding to all school health and nutrition issues, had been submitted to the Cabinet, which had not yet decided to adopt it. The State was committed to addressing child marriage and early pregnancy and thus to ensuring that girls stayed in school. Although most of the country's schools were

owned by churches, which had their particular traditions and beliefs, the Education Act gave the Ministry of Education and Training the authority to oversee all education matters and ensure that pregnant girls were not subjected to discrimination.

57. **Mr. Gastaud** asked whether the Government developed school curricula or whether they were developed by the churches running the country's schools. He also asked whether dilapidated schools were closed immediately or only when replacement schools were built. In addition, he wondered whether new schools were being built in both rural and urban areas.

58. **Mr. Moletsane** (Lesotho) said that the curriculum was a national curriculum developed by the Government in consultation with stakeholders. The Government, in partnership with churches, built classrooms on church premises. It also paid the wages of the country's teachers and had the authority to shutter any school, including private schools, that failed to meet the standards set by the Ministry of Education and Training.

59. **Mr. Masasa** (Lesotho) said that a campaign against child marriage had been organized with the support of the African Union. Princess Senate Seeiso, herself a child, would be leading some of the activities that were to be organized for persons of her age as part of the campaign.

60. **Ms. Letsie** (Lesotho) said that a decision had been made to conduct a survey of the workforce and an assessment of child labour in the country. Those exercises, combined with a survey taken by the Ministry of Social Development, would enable the authorities to collect information on the number of children involved in domestic work, herding and street work. Information on trafficked children would also be collected.

61. The International Organization for Migration was working with the Ministry of Home Affairs and other partners on border management and anti-trafficking activities with a view to improving migration management. The expected outcomes of the partnership included the development of standard operating procedures for border management and the drafting of agreements with transportation providers to make it possible to transfer trafficked children to their countries of origin. ILO and UNICEF had provided technical assistance for the implementation of action plans on eliminating child labour, its worst forms in particular.

62. A child labour unit had been set up in the Ministry of Labour and Employment's Labour Inspectorate. It was responsible for coordinating efforts to address child labour and had organized a number of awareness campaigns, not least to familiarize the public with the guidelines on the employment of herd boys. Community gatherings, training sessions, radio broadcasts and newspaper articles also contributed to increased awareness of the problem of child labour. Plans had been made to obtain data on the situation of children working or begging on the streets.

63. **Ms. Sekete** (Lesotho) said that, under the law, unaccompanied child migrants were entitled to the same treatment as refugees once they were registered with the authorities. They could enrol in school, and their school fees were paid by the Government. Asylum seekers were allowed to seek work. Contacts were made with officials and others in foreign countries to enable child victims of trafficking to return to their home countries if they wished to do so. They could also remain in Lesotho, and if they wished to help the authorities investigate the people who had trafficked them, they would be afforded the necessary protection.

64. Civil society organizations were given grants by the Government to help children in street situations, who rarely trusted government officials, the police in particular. Such children were more relaxed and more forthcoming around non-government employees.

65. **Ms. Motheo** (Lesotho) said that the Government was fully aware that more needed to be done to offer support to child victims of crime, sexual abuse in particular. All the same, there were intermediaries who worked with children to prepare them for appearances in court and even to provide counselling. Efforts to ensure that those services were available in the courts in every district in the country were ongoing.

66. Lesotho did not currently have reform schools, referred to as "approved schools" in the Children's Protection and Welfare Act 2011. Plans to build probation hostels and remand centres had recently been approved, however. The schools near the planned probation hostels would be used as the approved schools, although not before the educators and administrators at those schools had received the proper training. Fifty-four minors were currently in detention facilities, a smaller number than in previous years, as an increasing number of minors in conflict with the law were placed in diversion programmes.

67. **Mr. Moletsane** (Lesotho) said that consideration would be given to ratifying the Optional Protocol to the Convention on a communications procedure.

68. **Ms. Skelton**, supported by **the Chair**, said that the State party should consider replying to a questionnaire on children deprived of their liberty that had been sent as part of a broader study in February 2018.

69. **Ms. Aho Assouma** said that she had wished to know why children dropped out of school. She wondered whether the Government could contact the authorities in other countries — the Niger, for example, which had large numbers of children in street situations — to learn how they addressed the problem of children begging or working in the streets.

70. **Mr. Moletsane** (Lesotho) said that children dropped out of school chiefly for reasons of economic survival. As a result of the HIV/AIDS crisis, they also dropped out to take care of their younger siblings. In addition, boys often dropped out after seeing their older brothers return to their home villages with money for houses, cattle and horses after working as *zama-zamas*, illegal miners, in mining sites in South Africa. School fees discouraged parents from sending their children to secondary school.

71. **Ms. Doti** (Lesotho) said that the transport and burial of the remains of *zama-zamas* killed in accidents could be a considerable expense, which was borne by the Government.

72. **Ms. Lehora** (Lesotho) said that pregnancy, the stigma associated with it and early marriage also caused students to drop out.

73. **The Chair** said that the Court of Justice of the Economic Community of West African States was currently considering a case brought against Sierra Leone by a pregnant girl who had been barred from attending school. The State party would do well to follow developments in that case.

74. **Ms. Skelton** said that the State party could also look to *Head of Department, Department of Education, Free State Province v. Welkom High School and Another*, a 2013 judgment in which the Constitutional Court of South Africa had held that girls should be able to attend school while pregnant and after having given birth.

75. **Mr. Mezmur** said that he hoped that the momentum that had been achieved with the election of the new Government would translate into swifter improvements in the lives of the State party's children. He also hoped that the commitment demonstrated by the State party would extend to making every effort to give effect to the recommendations to be made by the Committee in its concluding observations on the State party's periodic report.

76. **Mr. Moletsane** (Lesotho) said that Lesotho would work tirelessly with all its partners to better the lives of its children. Committee members could be certain that every effort would be made to give effect to their recommendations, that Lesotho would submit its future reports on time and, lastly, that the best interests of the child would be a foremost consideration as newly launched reforms proceeded.

The meeting rose at 1 p.m.

Convention on the Rights of the Child

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Summary record of the 2296th meeting
Held at the Palais Wilson, Geneva, on Wednesday, 23 May 2018, at 3 p.m.

Chair: Ms. Winter

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The meeting was called to order at 3 p.m.

Consideration of reports of States parties (*continued*)

Combined fifth and sixth periodic reports of Norway (CRC/C/NOR/5-6; CRC/C/NOR/Q/5-6 and CRC/C/NOR/Q/5-6/Add.1)

1. *At the invitation of the Chair, the delegation of Norway took places at the Committee table.*

2. **The Chair**, recalling that the Committee's role was to assist and not to judge States parties, said that it had been brought to the Committee's attention that the Norwegian Parliament had decided not to ratify the third Optional Protocol to the Convention — which of course it was perfectly entitled to do — on the grounds that the Committee was not competent to deal with individual communications. The Committee obviously did not share that view. Similarly, in a decision concerning a child, the Supreme Court of Norway had argued that the Committee was not competent to interpret the Convention. In that regard, she drew attention to the decision of the International Court of Justice that treaty bodies were indeed competent to interpret their conventions. She hoped that the interactive dialogue with the delegation would go some way towards changing the State party's perception of the Committee, which was not shared by any of the other States parties to the Convention.

3. **Ms. Helleland** (Norway) said that her Government deeply respected the Committee's competence, knowledge and engagement for the rights of children. In the eight years since Norway had last appeared before the Committee, there had been many positive developments that had had a major impact on children's rights. As recommended by the Committee, in 2014 the protection of children's rights had been further enhanced with the inclusion of a new provision in the Constitution stating that children had the rights to have their human value respected, to be heard on issues that affected them, to have their opinions taken into consideration and to have their personal integrity protected and that the child's best interests should be a fundamental consideration in actions and decisions regarding children. Amendments had been made to health and care legislation to strengthen and clarify the legal position of children and young people as patients and users of services and grant them the right to receive information and to have their opinions taken into consideration.

4. Protecting children's rights had long been a key goal of the Government. The child welfare services, which were constantly being improved in line with the Convention, were expected to ensure that all children received the help and care they needed at the right time. Amendments to the law had recently been approved that would strengthen the legal safeguards afforded to children and parents in child welfare cases. Children now had a statutory right to receive the child welfare measures they required and to be heard in child welfare cases. Work was also under way to update the Child Welfare Services Act. Child welfare services had also increased staffing levels in municipalities and efforts were being made to enhance their expertise. Additional funding had, furthermore, been allocated for preventive measures in municipalities.

5. The Government had prioritized action to combat violence and sexual abuse against children. State-run children's houses ensured that children who had suffered violence and sexual abuse received good, coordinated follow-up. In view of the long distances to children's houses and waiting times for interviews in a number of police districts, several secondary units had been established in some counties so that child victims received help as quickly as possible. In 2016 and 2017, several major cases involving online abuse of a very large number of children had been uncovered and investigated by the Norwegian police. Cross-sectoral measures were being developed to meet the challenges and contribute to a comprehensive effort against online child abuse. On 7 May 2018, the Parliament had approved the ratification of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse. A proposed amendment to the Marriage Act, setting an absolute minimum legal age for marriage of 18 years, without any exceptions, had been debated in parliament the day before.

6. The Government wished to ensure that children were treated with respect and provided with the best possible formative conditions. All kindergartens must build on the core values set out in the Kindergarten Act and the international treaties to which Norway was a party. Work had begun on modifying compulsory education curricula to equip young people to cope better with work and family life later on in their lives. That work was based on a multidisciplinary approach to three topics: democracy and co-citizenship, sustainable development and life skills and public health. Health centres and school health centres did very important work helping children and young people who were struggling, and funding for those services had gradually been increased from 2014 to 2018.

7. Norway offered age-appropriate living and care provision for unaccompanied asylum-seeking minors. State child welfare services had a statutory responsibility for those under the age of 15, while the immigration authorities were responsible for those aged between 15 and 18. While the Child Welfare Act applied to all children in Norway, a number of measures had been introduced in recent years to ensure that unaccompanied minors systematically received proper living and care conditions. For example, action had been taken to increase staffing levels and child expertise in reception centres for unaccompanied minors over the age of 15.

8. In 2016, the Government had presented its action plan to combat human trafficking, and in 2017, the parliament had approved the establishment of a central unit with responsibility for following up underage victims of human trafficking and advising local child welfare offices in cases of suspected trafficking. The establishment of a special unit for imprisoned children had been piloted and turned into a permanent arrangement and a second unit had been opened. A new function had also been introduced in ordinary adult prisons, namely that of "child-responsible" personnel, who were tasked with taking care of children with imprisoned parents.

9. **Ms. Aldoseri** (Coordinator, Country Task Force) said that she would be interested to know whether the State party had a comprehensive national strategy on children. She wished to know whether the funding provided to municipalities was explicitly linked to the implementation of the Convention and whether there were plans to match the increased demand for child welfare services in certain counties with a corresponding increase in funding. She would like to know whether the State party had taken guidance from the Committee's general comment No. 19 on public budgeting for the realization of children's rights and whether there was any tracking of the budget allocated in order to assess implementation of the Convention.

10. The delegation might indicate which authority had the overall mandate for coordinating implementation of the Convention in the municipalities. Noting the apparent reluctance on the part of the Government to mandate the Ombudsman to receive complaints from children, she said she would welcome information on which authority had that mandate. She would like to know whether, in addition to having complaints filed on their behalf by their parents, children could lodge complaints directly with a county governor's office and, if so, whether the office was accessible and child-friendly. She would like to know whether such offices received complaints concerning all aspects of a child's life or just about education and what happened if the subject of the complaint was one or both of the parents.

11. She would like to know what impact the recent granting of new licences for the extraction of fossil fuel in the Barents Sea would have on children in general and Sami children in particular. She would welcome details of any measures put in place to protect children's rights from being violated in that context, for example through labour exploitation, and whether there had been any consultation with children, including Sami children, about those activities. She would be interested to hear how the Government was engaging with civil society organizations that were mobilizing to safeguard children's rights in the context of the new extraction work.

12. Regarding the proposed amendment of the Marriage Act, the delegation might provide an update on the outcome of the initial debate in parliament and indicate whether the amendment would include removal of exceptions for extrajudicial religious marriages.

She wondered whether the marriages of underage refugees or migrants were recognized and, if not, what happened to such unions.

13. She would welcome confirmation as to whether or not the Norwegian Nationality Act contained a clear definition of statelessness. She would also be grateful for an update on the preliminary results of the review of the report by the Office of the United Nations High Commissioner for Refugees that recommended the automatic granting of nationality to children born in Norway if they would otherwise be stateless. She would be interested to hear about measures being taken to create an environment that allowed for the integration of migrants, Sami children and other minority groups and helped at the same time to preserve their identity. She wished to know why intersex children who changed their gender could not change their names to match their new gender identity immediately rather than having to wait until the age of 16. Lastly, she would appreciate information on the level of engagement of the media in protecting children's rights and what was being done to curb the sexualization of children, especially girls, in the media.

14. **Mr. Kotrane** (Country Task Force) said that the Committee welcomed the progress made in recent years, including the constitutional amendment on the rights of the child and the ratification of a number of international instruments, although it hoped that the third Optional Protocol would also be ratified at some point. The Committee remained concerned about the State party's reservation to article 10 (2) (b) and (3) of the International Covenant on Civil and Political Rights with regard to the obligation to keep accused juvenile persons and juvenile offenders segregated from adults, as it also had an impact on implementation of the Convention on the Rights of the Child. Were there any plans to withdraw the reservation?

15. He would welcome an update on the revision of the Child Welfare Services Act to ensure it was fully compliant with the provisions of the Convention. The Committee shared the concern expressed by the Human Rights Committee in its recent concluding observations that articles 2, 4 and 16 of the Constitution emphasized Christian values and placed the Evangelical Lutheran Church in a position of privilege vis-à-vis other religions. Noting that, under the amended Education Act, the school subject "Religion, Philosophies of Life and Ethics" had been changed to "Christianity, Religion, Philosophies of Life and Ethics", he said that he would like to hear more about the steps taken to ensure that children learned about religion from a pluralistic perspective. When it came to independent schools, he wished to know what guarantees were in place to provide religious education in a manner fully compliant with the Convention.

16. He wished to know whether there had been any cases in which the authorities had intervened to have a child's right to privacy, especially online, respected and what efforts, in addition to the constitutional amendment and enactment of legislation, had been made to achieve progress in that area.

17. **The Chair**, speaking as a member of the Country Task Force, said that she would welcome an update on the outcome of the recommendation that all educational institutions should consider the need for follow-up in their training courses on the Convention. She would also be interested to hear about training for other professionals working with children, including health-care and judicial personnel. She wished to know whether the Convention and the Committee's concluding observations were disseminated in minority languages.

18. **Ms. Otani** (Country Task Force) said that, while the Committee welcomed efforts made in the area of non-discrimination, she would welcome clarification of the statement in the replies to the list of issues that "both children and seniors can be treated unequally because of their age". Noting that Sami children and children belonging to other minorities experienced discrimination in various areas of social life, she said she would like to know whether the causes of such discrimination had been identified and studied and whether special measures had been developed on that basis. She would be interested to hear about the experiences of lesbian, gay, bisexual, transgender and intersex children, children with disabilities and children with an immigrant background, specifically whether they were subjected to bullying or discrimination and whether teachers were trained on how to treat them appropriately.

19. She would like to know whether any action was being considered in follow-up to the recommendation by the Committee on the Elimination of Discrimination against Women concerning the over-sexualization of girls in the media. The Committee was concerned that the principle of the best interests of the child was not explicitly incorporated into several important laws, such as the Health and Care Service Act. It was also concerned by the decision in which the Supreme Court had found that the immigration authorities were not required to explicitly determine the best interests of the child in immigration and asylum processes. The delegation might comment on the impact of that decision in practice. She would also be interested to hear whether the views of children, including children with disabilities and migrant children, were respected in practice in the family, community and school. Was the right to be heard applied in all legal and administrative proceedings affecting children, including custody and asylum cases? Was the concept of respect for the views of the child understood by parents, teachers and professionals, and were relevant professionals trained to listen to the views of the child in an age-appropriate and child-friendly way?

20. She wished to know whether youth forums operated in all municipalities and were accessible to all children, including children with disabilities, children with an immigrant background and younger children. Did children receive the necessary support to ensure their meaningful participation? She would be interested to hear about the impact of the measures taken to end violence against children and whether children were well informed about their rights and where they could seek protection or file a report if they experienced abuse or violence. Noting that, according to a survey, 7 to 8 per cent of students had been subjected to violence by adults in school, she said she would like to know how such cases were dealt with when reported and what remedies were available to the children concerned. She would like the delegation to comment on the effectiveness of the helpline for children and young people and whether there was a high level of awareness of its existence and how it could be accessed. Lastly, she would be grateful for an update on any action taken in response to the recommendations of the Committee on the Elimination of Discrimination against Women and the Human Rights Committee concerning sexual abuse in the Sami community.

The meeting was suspended at 3.55 p.m. and resumed at 4.20 p.m.

21. **Ms. Helleland** (Norway) said that the Giant Leap programme provided an analysis and follow-up tool that municipalities could use to ensure that the Convention was actively implemented across their services. The programme was being applied in some form in 11 of the country's 18 counties. The county governors played an important role in ensuring comprehensive solutions for children and young people in the municipalities based on the Convention.

22. **Mr. Heimdahl** (Norway), responding to the questions on complaint mechanisms, said that the Government was working to strengthen national appeal systems that were important for children. A new chapter on the school environment in the Education Act, which included provisions for changes to make the appeal system easier, faster and safer for children, had come into force in 2017. The Government was currently considering the recommendations made in 2017 by the committee tasked with examining the possibility of establishing special courts for children and family matters and an administrative court for immigration cases. The Ministry of Children and Equality was considering how to improve children's access to child-friendly information and to complaint mechanisms in child welfare cases.

23. **Ms. Berg** (Norway) said that the county governor's office, which was a specialized authority in child welfare matters, was the appeal body for decisions taken by municipalities in child welfare cases and interventions in institutions. The need to raise awareness among children of their rights in child welfare cases and of the complaints mechanisms available had been identified.

24. **Ms. Flatebakken** (Norway) said that, under the Patients and Users Rights Act, patients and users over the age of 16 and those over the age of 12 who understood the content could lodge a complaint or allow a representative to lodge a complaint on their behalf. For other children under the age of 16, a complaint could be lodged by parents or

guardians. A special committee decided whether children between the ages of 12 and 16 should receive mental health treatment in an institution if they did not give their consent. Efforts were being made to ensure that the committee informed children of their rights and communicated in a child-friendly manner. The Government had appointed a legislative committee to review the rules on using coercion in health and care services, including for children and young people.

25. **Ms. Ferguson** (Norway) said that the Government and the Supreme Court were fully aware that, under article 45 of Convention, the Committee could make suggestions and general recommendations based on information received pursuant to articles 44 and 45 of the Convention. Although general comments were not legally binding, they were considered most relevant in interpreting the rights set forth in the Convention. The Supreme Court distinguished between statements in general comments that clearly expressed the Committee's interpretation of an article of the Convention and statements that were aspirational and concerned a desired development of the law, the former being afforded more weight. It would also be relevant whether the statement by the Committee concerned similar or comparable facts to those in the case in question. In the case mentioned by the Chair, the Supreme Court had considered that the Committee's statement related to the desired development of the law and not to an interpretation of the article in question.

26. **Mr. Saglie** (Norway) said that several measures had been taken to make the procedure of reporting cases of bullying to a county governor's office child-friendly and easily accessible. Children could report directly to the office either orally or in writing and were given the opportunity to be heard. Efforts were being made to raise awareness among children of the County Governor's role in handling bullying cases.

27. **Ms. Giske** (Norway), turning to the subject of the environment and children's rights, said that the Government was committed to reducing greenhouse gas emissions in line with the Paris Agreement. The Norwegian petroleum sector had some of the highest environmental standards in the world. Norway was working towards the transition to renewable energy use, although oil and gas would continue to play a role in the global energy mix in the years ahead. Sami interests were taken into consideration in the impact assessments conducted prior to the establishment of oil extracting fields and some projects had been presented to the Sami Parliament. The right for children to have their views heard was embedded in Norwegian climate policy. Children's and youth organizations were invited to public consultations and input meetings and were represented on the Minister of Climate and Environment's advisory climate council.

28. **Ms. Todorova** said that she would be interested to hear more about the role of the Ombudsman for Children and how it engaged with the Government.

29. **Ms. Helleland** (Norway) said that only qualified workers were allowed to work in the oil and gas industry so the issue raised about possible labour exploitation of children was moot.

30. **Mr. Gastaud** said that the delegation might comment on the potential impact on children of new extraction activities, given that areas previously used for fishing or other activities might no longer be accessible to them.

31. **Ms. Stenseth** (Norway) said that her country was rich in unspoilt nature, and children were encouraged to use nature for fishing and sports activities. A fundamental part of Norwegian culture was the right of everyone to use nature regardless of ownership.

32. **Mr. Heimdahl** (Norway) said that the bill on the establishment of a minimum age of 18 years for marriage, without any exceptions, was in its second reading in parliament and would likely be passed in the near future. At present, no provision in the Marriage Act covered unregistered religious marriages. However, the Government was considering introducing such provisions into the Penal Code as part of the Action Plan against Negative Social Control, Forced Marriage and Female Genital Mutilation for the period 2017–2020. In the case of marriages entered into abroad, where neither partner had any affiliation with Norway, the legal concept of the general "*ordre public* reservation" applied. The Government was assessing the question of whether the country's legislation should be

made more restrictive in terms of recognizing foreign marriages, while taking into consideration the consequences for the rights of minors.

33. **Ms. Ferguson** (Norway) said that section 253 of the Penal Code prohibited forced marriage. Although the issue of unregistered religious marriage fell outside the scope of that section, the arrangement was subject to the same penalties under section 252 of the Code as forced marriage. Nonetheless, the Government intended to submit a proposal to include unregistered marriage under section 253 in preparation for public consultation on the matter in the very near future.

34. **Ms. Boye** (Norway) said that the Office of the United Nations High Commissioner for Refugees (UNHCR) had finished mapping the situation of statelessness in Norway in 2015. The Government had followed up on the relevant UNHCR recommendations by amending the law concerning citizenship applications by stateless persons and by bringing the definition of statelessness into line with international law. Furthermore, in 2016, the Government had instructed the Directorate of Immigration to handle citizenship applications in such a way as to ensure that no child born in Norway was left stateless. The specific requirements for stateless persons would be clarified in the Norwegian Nationality Act.

35. **Mr. Saglie** (Norway) said that the rights of Sami children to an education were enshrined in law. Sami children were entitled to attend Sami language lessons that were offered in the country, subject to there being sufficient numbers of children for a class. As the shortage of qualified Sami teachers remained a challenge, the Government and the Sami Parliament had increased financing for teacher education and introduced a system for partially paying off the student loans of those who would complete a five-year Sami teaching course by or after 2017. The Sami Parliament provided up to 50,000 Norwegian kroner (NKr) in annual scholarships for those who studied the Sami language as part of a preschool or primary school teaching course. Following the issuance of a report by the Sami Language Committee, plans had been made to introduce measures to boost recruitment and improve the skills of teachers in that domain.

36. **Ms. Aldoseri** asked what the Government was doing to facilitate the integration of other minority groups, such as immigrants and members of religious minorities, into the education system.

37. **Mr. Saglie** (Norway) said that schools sought to create a positive and welcoming environment for all students. Children from immigrant families received introductory Norwegian language classes and had the right to be taught in their mother tongue until such time as they were able to speak Norwegian well enough to be able to participate in classes on an equal footing with other pupils.

38. **Mr. Cardona Llorens** said that he wished to know what activities had been designed to enable Norwegian children to understand cultural diversity within the classroom and thus avert potential discrimination and stigmatization.

39. **Mr. Saglie** (Norway) said that the teaching of tolerance and respect for different cultural backgrounds was an integral part of several school subjects. Teachers were obliged to act as soon as they became aware of bullying and harassment. Furthermore, county governors had been given the authority to impose monetary sanctions on schools that did not follow up on complaints of bullying.

40. **Mr. Pedernera Reyna** asked what measures the State party had taken to increase tolerance towards and prevent racism against minority communities.

41. **Ms. Skarstein** (Norway) said that a number of action plans were in place to combat ethnic and religious discrimination. Many young people from minority groups were reportedly afraid to participate in public debates because of hate speech and abuse. The issue was high on the Government's agenda and a strategy had been launched to tackle the problem.

42. The portrayal of gender roles and gender stereotyping in the media placed pressure on children and adolescents and made it hard for them to make decisions that challenged those roles. Little was known about the media's impact on gender equality. A committee

had been established to assess the difficulties faced by children and adolescents within the family, school and leisure environments in that area and to propose measures to achieve gender equality. Many lesbian, gay, bisexual, transgender and intersex children felt that they were not viewed as meeting social expectations and often struggled with poor mental health. They were also underrepresented in children's services, and limited data were available on intersex children in particular. An action plan for combating discrimination based on sexual orientation, gender identity and gender expression contained a series of measures specifically targeted at children and young people.

43. As for the questions concerning the wording of the replies to the list of issues (CRC/C/NOR/Q/5-6/Add.1, para. 84), the text was intended to emphasize the fact that the Equality and Anti-Discrimination Act recognized the rights of children, adults and the elderly equally.

44. **Ms. Din** (Norway) said that the law had been changed to allow children between the ages of 6 and 16 to change their legal gender and name with the consent of both parents. If only one parent consented to the change, applications could be granted subject to approval by the county governor.

45. **Ms. Berg** (Norway) said that 12 complaints relating to child welfare had been lodged with the European Court of Human Rights in recent years, citing violations of the right to family life under article 8 of the Convention for the Protection of Human Rights and Fundamental Freedoms. The Court had requested the Norwegian authorities to comment on nine of the complaints and had found no violation in the remaining three. One of the latter cases, which concerned adoption, had been referred on appeal to the Grand Chamber and would be heard in October 2018. Should the Court find that there had been a violation of the European Convention on Human Rights, changes would be made to the Child Welfare Act and the practice of the Norwegian authorities and courts. The child welfare system could only be reassessed once the reasoning of the Court had been made known.

46. **Ms. Ferguson** (Norway) said that the Government was not currently in a position to withdraw its reservation to article 10 (2) (b) and (3) of the International Covenant on Civil and Political Rights. However, steps were taken to ensure that children were detained separately from adults in accordance with the Committee's concluding observations (CRC/C/NOR/CO/4, para. 58). The places established in the two existing units set aside for juveniles were more than sufficient to accommodate the number of adolescents in detention. There were circumstances in which detention in juvenile facilities was not considered to be in the children's best interests, for example, where it was deemed necessary to keep a young person close to the family home or to avoid transporting him or her across the country. Special regulations concerning the treatment and rights of juveniles deprived of their liberty were in effect in all prison settings, and ordinary prisons received guidance on how to provide appropriate conditions and treatment for young persons.

47. **Mr. Saglie** (Norway) said that, according to the Education Act, the subject of Christianity, religion, philosophies of life and ethics in the school curriculum had to be presented in an objective, critical and pluralistic manner. The goal was to provide information about Christianity, not to preach it. The curriculum was currently under review and the content was liable to change over the coming years.

48. **Ms. Galand** (Norway) said that the Government subsidized an association that sought to sensitize adults and children to the responsible use of the Internet and social media networks, particularly the issues of data protection and the sharing of photographs. The Safer Internet Centre played a similar role and had a telephone line, chat forum and an email address where children could anonymously discuss Internet-related concerns and receive advice.

49. **Mr. Saglie** (Norway) said that the framework plans for teacher training programmes specifically required trainee teachers to have an understanding of the needs and rights of children and young people. As a result of the change to the teacher training curriculum in 2016/17, graduates were expected to be able to create inclusive learning environments, recognize signs of bullying, violence and sexual abuse and take appropriate action in conjunction with the relevant bodies to address those issues.

50. **Ms. Brandt** (Norway) said that the Committee's concluding observations had been translated into Norwegian but not into the country's minority languages.

51. **Mr. Saglie** (Norway) said that more data on bullying relating to vulnerable groups were required. Questions about the subject had been removed from a yearly survey as they violated the right to privacy of children in small communities. The Ministry of Education and Research was currently preparing a survey on the use of physical force against school pupils, and the information gathered would provide a basis for developing regulations and teacher training. The Government had allocated NKr 18 million to anti-bullying measures. One of the initiatives introduced as part of the Escalation Plan against Violence and Abuse campaign was designed to enable schools to provide guidance to parents and children regarding the safe use of social media networks. The national budget allocation had been doubled to enable county governors to handle bullying and harassment cases swiftly and effectively.

52. **Ms. Ferguson** (Norway) said that the Public Administration Act governed the activities of all administrative agencies, unless otherwise covered by a specific statute, and should be read in conjunction with other legislation. The Convention had been incorporated into national law by the Human Rights Act, section 3 of which stated that the provisions of the Convention took precedence over any conflicting provision of national law. Furthermore, the Human Rights Act established the best interests of children as a fundamental principle to be applied in the interpretation of laws affecting children.

53. **Ms. Kolvig** (Norway) said that the principle of the best interests of the child formed the basis of a number of provisions in the Immigration Act and was invoked in family immigration cases and cases involving the possible expulsion of parents. To provide additional support, the Directorate of Immigration and the Immigration Appeals Board had established children's competence teams, and the immigration authorities had held several seminars to raise awareness among caseworkers of children's rights. The Board had hired a part-time psychiatrist to assist caseworkers and was currently in the process of recruiting a part-time child psychologist. Under the Immigration Act, children involved in asylum cases could submit statements orally, in writing or through a representative, without needing the consent of the parents. Children were interviewed where necessary, unless they objected. The Government intended to increase the number of opportunities for children to be heard by the Immigration Appeals Board.

54. **Ms. Flatebakken** (Norway) said that the law afforded everyone the right to health care, regardless of background or physical or mental capacity. The best interests of the child, as provided for in the Human Rights Act and the Constitution, were a fundamental consideration when decisions affecting children in the health sector were taken. Health legislation contained specific provisions to cater for the specific needs and rights of children, including the right to be informed and to be heard. The Ministry of Health and Care Services considered new legislative amendments on an ongoing basis to ensure that children received the best possible service.

55. **Ms. Berg** (Norway) said that the Child Welfare Act had been amended in March 2018 and now granted children the right to be heard in all matters concerning them at all stages of welfare cases, with due account being taken of their level of maturity. The Act also required social welfare services, including the county social welfare boards, to document the child's views and the consideration that they had been given. The documentation procedure would help strengthen the child's right to participate in practice. The amended Act would take effect in July 2018.

56. **Mr. Heimdahl** (Norway) said that the State was responsible for ensuring that children had a say in all matters concerning them. In mandatory mediation processes, parents were informed that children had the right to participate and children were encouraged to exercise that right. Mediators guided children's involvement in the process, depending on their level of awareness and the requirements set down in the law. Parents and children alike were encouraged to review mediation agreements. All mediators in the family counselling services had expertise in family disputes and the relevant rules and regulations. A handbook was currently being written on how best to conduct mediation discussions involving children.

57. **Ms. Aldoseri** said that she wondered whether the amended Child Welfare Act would address the questions of children's rights to parental care and the reportedly disproportionate number of children being placed in alternative care. She wished to know what culturally sensitive parental guidance was available to families from minority groups, including Roma and immigrant families, to promote dialogue with them and assist them in raising children so as to reduce the number of children taken into care. She would appreciate statistics on the number of Roma, Sami and unaccompanied children, as well as the number of children of deported persons, who had been placed in alternative care. It would be helpful to learn whether any studies had been conducted to identify the root causes of the increase in the demand for child welfare services in certain counties. Given that, according to her information, 60 per cent of siblings were separated upon being taken into care, she would appreciate information on the concrete measures taken to end the practice. Had the State party translated the United Nations guidelines for the appropriate use and conditions of alternative care for children into Norwegian and other minority languages? Had the Government provided training to child welfare staff on how to evaluate the best interests of children before deciding to remove them from their families and on how to periodically review and monitor children in foster care?

58. Noting the recent increase in the number of children with disabilities who received special needs education, she said that she would be interested to know the percentage of those children who received inclusive education. Did the Anti-discrimination and Accessibility Act guarantee full inclusive education to children with disabilities? It would be useful to hear what support was given and what plans were in place to prevent the abandonment of children with disabilities by their parents.

59. The State party's efforts to curb the use of drugs to treat children with attention deficit hyperactivity disorder were commendable. It would be helpful to have statistics on the current use of psychostimulant drugs, including amphetamines, for treating children diagnosed with the disorder. In view of the significant increase in the use of such medicines in certain counties compared to the stable nationwide trend, she would be grateful for further information on the steps taken to ensure that all counties complied with guidelines not to prescribe medicines as a first line treatment. Noting that twice as many boys as girls in the 10–14 age group were treated with psychostimulants, she said that she wished to hear about the State party's efforts to identify the root causes of mental disorders in general and among boys in particular. Had any studies been conducted and, if so, what had the outcomes been? She invited the delegation to account for data showing that only 38 per cent of the children and adolescents in care institutions who had been diagnosed with a psychiatric disorder received specialist health care. It would be useful to know what support was provided to parents caring for children with psychiatric disorders in the family setting. Given that, in many instances, children diagnosed with attention deficit disorder were actually suffering from trauma, she asked whether the children were reassessed after the initial diagnosis and what regular assessment procedures were in place.

60. Turning to the subject of the environment and children's rights, she noted that Norway had strict environmental legislation at the national level; however, exports of Norwegian oil resulted in the violation of children's rights to a healthy environment in other countries. She wished to know how the State party planned to mitigate the adverse impacts of fossil fuel exports and to combat climate change. She would also be grateful for an explanation as to how the Government protected the food chain from the large amounts of mining waste dumped in fjords, which polluted a major source of nutrition for many children.

61. She would be interested to hear the reaction of non-Christian children and their parents to the introduction of the Christianity, religion, philosophies of life and ethics subject in schools and she would also like to know about the impact in terms of school attendance. In that connection, it would be helpful to know how the education authorities guaranteed children from religious minority communities access to human rights-based education. She wondered which part of the curriculum had been designed to raise awareness of gender and sexuality issues among pupils.

62. **Mr. Kotrane** said that the State party's progress in improving access to education had been commendable. Nevertheless, he was concerned that unaccompanied minors

seeking asylum and aged between 15 and 18 received lower standards of care than children under the protection of the child welfare services, that children in reception centres were frequently absent from school, suffered from psychological disorders and were prone to self-harm and suicide attempts and that asylum-seeking children were subject to deportation to unsafe countries, in violation of the principle of non-refoulement. He wished to know what measures the State would take to address those problems.

63. The Committee welcomed the legislative amendments introduced to abolish the use of solitary confinement for minors. It would be interested in hearing how the State party promoted the use of non-judicial measures, including diversion programmes, probation and mediation, and ensured that detention was ordered only as a last resort for the shortest time possible and that children were never held together with adults. He wondered what the maximum period of detention for a minor was.

64. The State party had made laudable advances in terms of implementing the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography. Nonetheless, he asked what steps the State party had taken to: bring the Penal Code fully into line with the Optional Protocol, particularly with regard to the sale of children; adopt specific legislation on the obligations of Internet service providers concerning child pornography; and abolish the dual criminality requirement to allow Norwegian nationals who had committed violations of the Optional Protocol abroad to be prosecuted.

65. **Ms. Otani** said that she wished to know whether the Government planned to conduct any specific research on children in street situations and to develop special measures for them. It would be helpful to have statistics on the prevalence of online social exploitation and abuse of children, including grooming, sexual extortion and child pornography. An area of particular concern was the exploitation of boys, who were less likely to report instances of abuse. She wondered whether the State party had any information in that regard and what measures had been planned to tackle the problem.

66. With regard to violence and abuse in schools, she wished to know whether nurses were stationed in all schools and, if so, what role they played in identifying violence and in supporting victims. It would also be helpful to know what budgetary resources had been allocated to those support services.

67. **The Chair** said that she would be interested to know how many children lived in prison together with their parents, whether judges took into consideration the fact that defendants had children and what assistance was given to children whose parents were in prison in order to protect them from discrimination and hardship. She wondered what legal assistance was afforded to child witnesses and victims in court, particularly in trafficking and domestic violence cases. Did children have access to free legal aid?

68. Turning to the Optional Protocol on the involvement of children in armed conflict, she wondered whether it was necessary to have a system that allowed adolescents aged between 16 and 18 to join the Norwegian Home Guard, especially given that they were not subject to any form of military discipline. Could they not carry out the same activities without being involved in the military? She asked what provisions existed for dealing with children who had been involved in hostilities outside of Norway. She would appreciate clarification of reports that residence permits were not granted to asylum-seeking children who had participated in hostilities abroad.

69. **Ms. Aldoseri** said that she was concerned about the lack of time for children's leisure activities outside of school and would appreciate the delegation's comments on the action taken to address that issue. Lastly, she asked what plans the Government had to increase the participation of children with disabilities in recreational and social activities.

The meeting rose at 6 p.m.

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Summary record of the 2297th meeting
Held at the Palais Wilson, Geneva, on Thursday, 24 May 2018, at 10 a.m.

Chair: Ms. Winter

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Combined fifth and sixth periodic reports of Norway (*continued*)

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The meeting was called to order at 10 a.m.

Consideration of reports of States parties (*continued*)

Combined fifth and sixth periodic reports of Norway (*continued*) (CRC/C/NOR/5-6; CRC/C/NOR/Q/5-6 and CRC/C/NOR/Q/5-6/Add.1)

1. *At the invitation of the Chair, the delegation of Norway took places at the Committee table.*

2. **Ms. Gulbrandsen** (Norway), resuming her delegation's replies to the questions raised at the previous meeting, said that 90 per cent of municipal authorities had chosen to establish youth councils or other participatory bodies for young people, even though they were not obliged to do so. There were plans to introduce new legislation to regulate the system of youth councils.

3. **Ms. Otani** (Country Task Force) asked whether the Government had considered the possibility of introducing legislation that would require all municipal authorities to set up youth councils.

4. **Ms. Gulbrandsen** (Norway), acknowledging that the Government had not discussed the issue, said that the new legislation on youth councils would not impose any such requirement on municipal authorities.

5. **Ms. Berg** (Norway) said that a public committee had been appointed by the Government in 2014 to review child welfare legislation. Based on the proposals submitted, an initial set of amendments to the Child Welfare Act had been drafted; those amendments, which were designed to strengthen legal safeguards for children and parents in child welfare cases, had been adopted by the parliament on 15 March 2018 and would enter into force on 1 July 2018. The Ministry of Children and Equality was now working on a more comprehensive technical, linguistic and structural review of the Child Welfare Act, focusing on issues such as the quality of care in child welfare institutions. Public consultations on the draft revised version of the Act would be held in 2019.

6. **Ms. Aldoseri** (Coordinator, Country Task Force) asked whether the revised version of the Child Welfare Act would explicitly address the right of children to parental care and the disproportionate resort to placement of children in welfare institutions.

7. **Ms. Berg** (Norway) said that the revised text would focus primarily on children's rights rather than parental rights. It would also emphasize the right of parents whose child had been placed in alternative care to be reunited with their child.

8. **Mr. Osmunddalen** (Norway) said that municipal authorities were funded through general grants from the Government and were free to identify their own budget priorities. A reporting system had been set up to monitor municipal spending on services aimed at children.

9. **Ms. Rafoss** (Norway) said that the number of staff employed by child welfare services had increased by 19 per cent between 2013 and 2016 and had continued to rise; as a result, the number of cases assigned to each caseworker had fallen. The Government had endeavoured to address staffing disparities between municipalities by awarding more generous grants to vulnerable areas; however, it was ultimately up to the municipal authorities to make sure that child welfare services were properly staffed. Steps would be taken to improve leadership and monitoring at the municipal level as part of the reform of the child welfare system.

10. Regional disparities in the provision of child welfare services could be attributed to demographic and socioeconomic variation, as well as differences in staffing levels and budget priorities. Those disparities were being addressed through training programmes for social workers and financial incentives for municipal authorities.

11. Guidelines issued by the Directorate for Children, Youth and Family Affairs emphasized that siblings who were placed in foster care should not be separated from one another unless it was in their best interests and separated siblings must be allowed to remain in contact with one another unless there were strong grounds for preventing contact. The

Directorate was investigating ways to improve the provision of foster care for siblings and had received earmarked funding for the recruitment of foster families who were able to cater for siblings. An expert committee had been appointed to review the regulation and funding of foster care in general. The United Nations Guidelines for the Alternative Care of Children had been translated into Norwegian and would be applied at the municipal level under the oversight of the Directorate.

12. Measures taken to improve the provision of mental health treatment for children included the following: a circular on enhanced coordination between the health services and the child welfare services had been issued; mental health screening systems were being developed; staff specializing in mental health had been recruited by most child welfare services; and two new mental health-care institutions for children were being set up.

13. Various parenting support programmes were run at the municipal and State levels to reduce the number of children placed in alternative care. In order to further improve the assistance provided in that area, the Directorate for Children, Youth and Family Affairs had drawn up a national plan for the professional development of child welfare officers for the period 2018–2024. That plan included the delivery of postgraduate-level training on assessing the best interests of the child. Children who were placed in foster care were visited by child welfare officers at least four times a year during the first two years of care and at least twice a year from then on.

14. Research had shown that child welfare officers lacked cultural awareness and sensitivity when dealing with members of ethnic minorities. The Directorate for Children, Youth and Family Affairs was considering ways in which to address that problem. Under the national plan for the professional development of child welfare officers, a part-time postgraduate-level training course on issues such as migration and minority groups would be organized. The Government was also funding and coordinating a mentoring programme that was designed to increase cultural sensitivity among students aiming for a career in child welfare.

15. **Ms. Ayoubi Idrissi** said that the Committee had received reports that social workers effectively had the power to decide whether children should be removed from their families, even though they were not qualified to make that kind of decision. She wondered whether the revised Child Welfare Act would better regulate the powers exercised by social workers.

16. **Ms. Berg** (Norway) said that care orders were issued only when strictly necessary, in cases of neglect, violence or abuse, and could not be issued if assistive measures were deemed sufficient. Only county social welfare boards, which were impartial and independent State bodies, had the power to issue a care order. In such cases, parents had various legal rights, including the right to free legal aid and the right to due process, and they could apply for the revocation of the care order once a year.

17. **Ms. Aho Assouma** said that she wished to know why health check-ups for children automatically included a mental health check-up. She wondered whether welfare institution staff received training on child rights and why so many children were placed in institutions, if the State party believed that, as a general rule, institutionalization was not in the best interests of the child. She would also like to know whether screening was conducted for the early detection of disabilities and what care was provided for children with disabilities.

18. The Committee had received reports that over 170 unaccompanied migrant children had fled from a camp in Norway and that around 130 such children were waiting to receive official documentation. It would be helpful if the delegation could comment on those reports, clarify the current situation of the minors in question and describe the support provided to unaccompanied migrant children.

19. **Mr. Mezmur** said that children of migrant families were four times more likely to be removed from their families than Norwegian children. Although decisions regarding care orders were taken by the Country Board for Child Welfare, more than 85 per cent of cases were ruled in favour of Barnevernet (the child welfare services). In an open letter, 117 Norwegian child protection professionals, including lawyers, had deemed Barnevernet "a dysfunctional organization" that made "serious errors of judgment". He asked how that situation would be rectified, and what would be done to ensure that migrant families

received the support they needed without living in fear of approaching the child welfare services.

20. **Ms. Khazova** asked what measures were taken to ensure that a diagnosis of attention deficit hyperactivity disorder was not used as a default for children with behavioural problems. She wished to know what strategies were employed to attempt to solve behavioural problems without prescribing medication.

21. **Ms. Rafoss** (Norway) said that efforts had been made to improve cooperation between health services and social welfare services to ensure that all measures taken were in the best interests of the child. Trained professionals would assist families with children with behavioural problems, taking due account of the best interests of the child and addressing the root causes of behavioural problems to create a home environment more conducive to good behaviour. Families were included in such programmes based on strict criteria, and the programmes would be carefully tailored to meet the families' specific needs.

22. Turning to the question of the emergency removal of children from the family environment, she said that the number of emergency interim care orders issued had been steadily falling over recent years. Orders were only issued as a last resort and with the goal of protecting children in high-risk and severely detrimental situations. The data on children who were not living in a family environment included unaccompanied minors and therefore were not purely representative of the number of interim care orders issued.

23. **Ms. Otani** asked whether the State party intended to incorporate an explicit provision on the best interests of the child into its Health Care Service Act and other health-related legislation.

24. **Ms. Berg** (Norway) said that the uptake of voluntary assistance measures tended to be much higher among migrant populations than among the Norwegian population. The likelihood of such measures being required among refugees was higher than for others, but there was no evidence that the same applied to mandatory care interventions. Article 8 of the European Convention on Human Rights, which enshrined the right to respect for private and family life, had been incorporated into national law and was applicable to parents and children. Statistics were not disaggregated by ethnicity and there were therefore no specific figures on the number of Roma or Saami children placed in alternative care. In 2017, 286 unaccompanied minors had been placed in care arrangements by the child welfare services. The majority had been placed in full-time care homes, some had been placed in foster homes and a few had been housed with relatives. An emergency telephone helpline had been set up for children and young people in 2009, in addition to other emergency assistance measures. The line, which was accessible through the European harmonized number 116111, was open 24 hours a day and could be called free of charge. The mandate and scope of the helpline service would be evaluated before the end of 2018, with the involvement of children and young people.

25. **Ms. Kolvig** (Norway) said that the disappearances of Afghan unaccompanied minors from migrant reception centres were a complex problem: residence in the centres was voluntary and the minors had left of their own volition. According to the law, if an unaccompanied minor disappeared, the reception centre was obliged to inform the police, the child welfare authorities and the Norwegian Directorate of Immigration. The authorities decided how to proceed on a case-by-case basis. The Government acknowledged that more information was needed on children who went missing from care and reception centres and had therefore ordered an investigation by the Norwegian Institute for Urban and Regional Research. Follow-up actions in response to the recommendations emanating from the investigation were being considered and efforts were being made to improve the mechanisms in place to prevent such disappearances in the future.

26. **Ms. Din** (Norway) said that most children with disabilities remained with their families and were not institutionalized. Assistance provided to enable them to lead full, active lives included: economic benefits; access to assistive technologies; respite care for parents; the allocation of a family support worker; auxiliary benefits; care allowances; and allowances to fund adaptations to the home. Children with disabilities and their families continued to face considerable challenges. With that in mind, the Government was

developing a comprehensive action plan and strategy, which would be finalized in 2019, to promote equality for persons with disabilities in all areas of society.

27. The national curriculum included comprehensive sexuality education from an early age, covering topics such as family life, relationships, the body, and gender roles, as well as human rights, gender equality and threats, such as sexual abuse. The directorates of health and of education and training were conducting a survey into how sexuality education was provided in schools, the results of which would show whether any further action would be needed to provide comprehensive education on issues concerning lesbians, gays, transgender and intersex persons.

28. **Ms. Flatebakken** (Norway) said that the national professional guidelines for the diagnosis, treatment and follow-up of attention deficit disorder had been updated in January 2017. The recommendations contained in the guidelines stated that the diagnostic process must be comprehensive and other factors that could explain the symptoms should be taken fully into account. Medication should not be the first or only intervention. Research pointed to a gender disparity in referrals for mental health care issues, with the majority of referrals for children under 12 being among boys and the majority of referrals for 16 to18-year-olds being among girls. Attention deficit disorder was three times more prevalent among boys than girls. An assessment was under way to establish what could be done to reduce the numbers of prescriptions of antipsychotic drugs and to consider whether the prescription of antidepressants was appropriate.

29. Violence and sexual abuse were recognized as public health issues that had serious consequences for individuals and society as a whole. The challenges with regard to combating violence against children were many and complex and required an intersectoral approach. Several action plans had been developed in that regard, including a national escalation plan to prevent violence and abuse which prioritized children and young people and had been drafted with input from survivors. The Ombudsman for Children had been requested to conduct a review, which was entitled, "If help had been available sooner, everything would have been different". The review had underlined the need to strengthen prevention and assistance, and action was being taken on the recommendations contained therein to improve the situation in the long and short term. The Norwegian Centre for Violence and Traumatic Stress Studies reported on knowledge-based practices that would benefit victims and the professionals who worked with them. There were also five regional resource centres for violence, traumatic stress and suicide prevention, which had been instrumental in reducing traumatic practices in health care and the social services.

30. In the Norwegian model of universal health coverage, primary care providers must be able to identify and diagnose cases of violence. Children who had been victims of violence would be treated by specialist child psychologists through trauma-focused cognitive behavioural therapy. The identification of violence and abuse was one of the responsibilities assigned to school nurses. Steps had been taken to strengthen the capacity of health centres and schools to deal with violence and abuse. Since the Convention took precedence over provisions of national law, it was clear that the best interests of the child would be taken into account in all situations provided for under the Convention, including the application of legislation on the health service.

31. **Mr. Cardona Llorens** asked whether the oversight system regarding the education of children with intellectual disabilities had been instituted in all municipalities. He wished to know who it was that decided that a child with disabilities should be educated in a special education centre. He also wished to know what measures were taken to provide for the education of Saami children with special educational needs. Lastly, he expressed particular concern that young girls with intellectual disabilities were exceptionally vulnerable to sexual abuse. He wondered whether any particular measures were in place to protect them.

32. **Ms. Aho Assouma** asked how the population was informed about the services available to victims of forced marriage and female genital mutilation and whether any awareness-raising mechanisms were in place. She asked what measures were taken to ensure the timely diagnosis of mental health conditions in children. She also wished to know whether children were encouraged to tell adults if they had been victims of violence

and, if so, whether their complaints were believed, in particular if the complaint was against a teacher. Did children receive education on their rights?

33. **Ms. Todorova** asked why the Ombudsman for Children was not entrusted with a full mandate to investigate alleged violations of children's rights. She wished to know what legislative measures were taken to ensure that the Government paid due attention to the Ombudsman's reports. She also wished to know what was done to ensure respect for children's right to have access to information about their biological origin, in cases where young children were placed outside their family.

34. **Ms. Aldoseri** asked whether children, when being assessed for attention deficit disorder, were also assessed for trauma.

35. **Ms. Skelton** asked what specific support was provided to foster families that took in siblings.

The meeting was suspended at 11.20 a.m. and resumed at 11.40 a.m.

36. **Ms. Skarsetein** (Norway) said that new, comprehensive, anti-discrimination legislation had been adopted in January 2018 and gave all children the right to education. The legislation specified that all information and communication technologies used in schools must be designed to cater for all categories of users.

37. **Mr. Saglie** (Norway) said that all children in Norway had the right to be educated in an inclusive manner in their local school. The decision to provide special needs education was made on a case-by-case basis, through an individual assessment, and a personal education plan would be developed for each student. There were currently 50,000 children in Norway in special education. Of those children, 40 per cent received special needs education in an ordinary class environment, while others were taught in smaller groups. A study conducted into special education provision in preschool, primary and secondary education institutions had concluded that special education had been lacking in quality for many years; it needed to be more inclusive and better customized, with better learning outcomes. The Ministry of Education was considering the recommendations made through the study and would publish a white paper that would include special steps to be taken to promote the inclusion of Saami children. The Sami Parliament provided 50,000 Norwegian kroner (NKr) in training scholarships for preschool and primary teachers.

38. Although the replacement in the school curriculum of religious education with the subject of Christianity, religion, philosophies of life and ethics had met with a negative response, the content remained unchanged and there had not been any negative reaction of note to the curriculum itself. Since the subject was taught at the primary and lower secondary levels, which were compulsory, there had been no dropouts in connection with the change. All teachers were trained in children's rights, and children's rights formed a compulsory part of the school curriculum.

39. **Ms. Boje** (Norway) said that around NKr 6 million had been allocated to research into female genital mutilation practices in the country. Information campaigns and training materials were available for newly arrived migrants, including three short films that were disseminated by social media. Grants were given to non-governmental organizations to disseminate information about forced marriage and female genital mutilation. A multisectoral approach to tackling the issue was being promoted.

40. **Ms. Flatebakken** (Norway), regarding the early diagnosis of disability, said that a health-care centre programme was in place to ensure regular monitoring and follow up for children from birth until they reached school age. Every effort was made to promote public health and welfare and to tackle the root causes of mental health disorders, as well as to ensure their early detection. Diagnoses of attention deficit disorder were made in accordance with the recently issued guidelines and every effort was made to ensure that the diagnoses were accurate and that other explanations for the child's behaviour had been given due consideration.

41. **Ms. Din** (Norway) said that the Government was not aware of any cases where a child had reported violence or abuse and had not been believed, not even where the report had concerned bullying by a teacher. School nurses, like all health-care professionals, were

trained to process health information and keep it confidential. If the Committee had received information about a case where a child's allegations of abuse had not been taken seriously, the Government would request that information in order to be able to investigate.

42. **Ms. Brandt** (Norway) said that the function of the Ombudsman for Children was to oversee implementation of the Convention and national law, not to receive individual complaints.

43. **Mr. Heimdahl** (Norway) said that under new legislation on adoption, which was due to enter into force in July 2018, adoptive parents would be obliged to tell children as soon as possible that they had been adopted and to inform them of their ethnic, cultural, religious and linguistic background.

44. **Ms. Rafoss** (Norway) said that the Government had appointed an expert committee to consider the need for and implications of providing financial support and other types of assistance and guidance to foster families accommodating siblings. The committee's report would be issued in December 2018 and reviewed by the Government, and subsequent policy proposals would be made.

45. **Ms. Berg** (Norway) said that the high number of cases in which the Country Board for Child Welfare favoured the position of the child welfare services could be explained by the process in place: requests from the child welfare services for the issuance of care orders had to pass through the Country Board for Child Welfare.

46. **Ms. Ferguson** (Norway) said that the new escalation plan to prevent violence and abuse included specific provisions for the Sami community. With regard to juvenile justice, special regulations had entered into force in 2014, with a focus on non-custodial sanctions. Unconditional prison sentences were only handed down in extreme cases, such as murder or grave sexual offences, and as a last resort. Minors were held in specialist detention facilities and the holding of minors on remand in solitary confinement was prohibited under the Criminal Procedure Act. While a provision limiting the use of exclusion measures for minors in breach of prison rules had been approved by parliament, it had not entered into force owing to practical challenges in implementation in a particular institution where a girl prisoner needed to be separated from the boys for her safety. The girl's separation did not constitute solitary confinement, since she was still able to receive visitors, health care and psychiatric support and was not locked up for the best part of the day. Had the provision entered into force, however, her separation, which was a security issue, would have constituted a violation of the law. The provision was therefore being redrafted to prevent the use of isolation measures for minors but allowed for them to be held separately from others in given circumstances.

47. There had been an overall increase in the incidence of online abuse and sexual victimization in Norway, as there had been in other countries. The well-developed digital infrastructure and high uptake of technology in Norway had resulted in Internet-based abuse developing particularly quickly. Abusive web content was streamed from abroad, in particular from the Philippines. Online abuse ranged from the dissemination of sexualized images between young people, to sexual solicitation, grooming and sexual victimization of young children. Children and young people were affected by online sexual content and the normalization of sexual abuse. Boys were under increased sexual pressure and the concepts of consent were unclear, which had led to an increased risk of them being reported for abuse. A new report indicated a significant increase in the number of minors reported for rape, many of whom were under the age of 15 years. There remained, however, little scientific knowledge of the dynamics of online sexual victimization and of questions such as who was the most vulnerable and at risk. Norway was participating in the European Union "Kids Online" survey, which was gathering new data about children's risks and well-being online. The Ministry of Justice had also commissioned a study to find out about online perpetrators, the results of which would be published shortly.

48. Norway was one of very few States that did not allow children or infants to reside in prison with their parents. Convicted mothers of young children either had their sentences suspended or served them in mothers' homes. Unless ordered otherwise by the courts, prisoners had the right to external contact with family and friends, which had proven crucial for reintegration into society after release. Mothers had the right to maintain personal

relations with their children provided that the arrangement was not deemed contrary to the children's best interests. Staff members specifically responsible for children's issues were present in all correctional services to ensure that the child's perspective was a cross-cutting consideration in all relevant issues.

49. Pursuant to the Execution of Sentences Act, all prisoners had the right to make telephone calls. Those in high security facilities had the right to 20 minutes of telephone time per week, while those in other facilities could make calls without any time restriction. The correctional services were responsible for placing prisoners in correctional facilities and made every effort to keep prisoners as close to home as possible. Considerations regarding rehabilitation or health-care needs could influence the place of detention, as could availability of prison places. Lastly, all victims of and witnesses to domestic violence and trafficking had the right to legal aid.

50. **Ms. Galand** (Norway) said that it could be very difficult for children to tell an adult that they had been a victim of abuse, particularly if it had been committed by their parents. Efforts were being made to break taboos and help adults to ask the right questions. Tools that had been launched in that regard included digital resources to teach children about what constituted violence, their right to be protected against it and how to seek help. The tool was used in most preschools and primary schools. Films, games and exercises had also been incorporated into the school curriculum to teach children about domestic violence, forced marriage and the dangers of Internet violence. The "Talk" digital platform had been set up to guide adults working with children to talk more comfortably about sexual abuse and to detect victims. The platform had been developed very carefully, with particular attention to the needs of children with disabilities and Saami children.

51. A youth website had also been set up, which received around a million hits per month, to provide information on all aspects of the rights and obligations of young people. The site was updated regularly on the basis of young people's concerns and included a chat function whereby young people could discuss their problems with a professional team. The site included information on topics such as violence, sexual abuse, female genital mutilation and forced marriage. It also had permanent links to certain information and prevention campaigns, such as the "Not OK" campaign for the prevention of sexual abuse and violence in young couples. The Government provided subsidies for violence prevention programmes and had funded a children's television programme, broadcast on a public television channel, which addressed issues related to violence. Guidelines had recently been issued for adults working with children with disabilities on the detection of evidence of violence and how to discuss it with the child and report it.

52. Regarding the reports issued by the Ombudsman for Children, she said that while there was no legal obligation for the Government to take account of the reports or follow them up, they were taken very seriously and were often used in policy development.

53. **Ms. Kolvig** (Norway) said that the Norwegian Directorate of Immigration was responsible for the care of unaccompanied child migrants. The provision of care for such children was not currently regulated by law, but the Directorate had instructed reception centres to meet requirements set out in a series of circulars. Pursuant to a 2017 request from the parliament, the Ministry of Justice and Public Security was in the process of drafting regulations under the Immigration Act on care for unaccompanied minors over the age of 15. Care and accommodation could be adjusted in accordance with any special needs of child asylum seekers. The Child Welfare Act applied to all children in Norway, including unaccompanied child migrants, and reception centres cooperated with child welfare services and health-care authorities. The Government had taken several measures in response to disturbances that had occurred in reception centres in 2016 and 2017, including the provision of increased funding to enhance the quantity and quality of staff and earlier settlement of unaccompanied minors who had been given time-limited residence permits owing to doubts about their identity.

54. The Immigration Act required that, when assessing the need for protection in asylum cases, immigration authorities must take into account whether the applicant was a child and must also bear in mind the fact that children's age, level of maturity and mental health might affect their ability to substantiate any claims made in connection with an asylum

application. A representative and a lawyer were appointed for all unaccompanied minors. Applications from children who had been involved in armed conflict were handled in accordance with the standard asylum procedure. No children were returned to another State in breach of the principle of non-refoulement, and children could not be denied asylum on the grounds that they had committed war crimes.

55. Under the Immigration Act, the detention of child migrants must be deemed necessary for compelling reasons. Families with children were detained only if they were due to be deported, and normally they were either deported or released within one to three days. Under new detention rules approved by the parliament, minors could not be held for more than 24 hours. A court could approve an extension of detention for up to 72 hours, but only as a last resort. Two further extensions of 72 hours could be granted, but only in special cases and only if there were compelling reasons — for example, if the family or one of its children bore significant responsibility for the Government's delay in effecting the deportation. The same rules applied to unaccompanied minors, but detention in connection with forced returns of minors was very rare.

56. In each case, the police must assess whether measures other than detention could be applied, such as a requirement to report regularly to the authorities. The Government was exploring additional alternatives to detention and had set up a temporary facility for families and children, where there were no visible bars or fences, doors were not locked and the staff did not wear uniforms. The staff were trained to care for children and cooperated with child welfare services.

57. **Ms. Brandt** (Norway) said that the Government had established a national grant scheme to combat child poverty and mitigate the problems associated with poverty by creating more opportunities for children and young people to participate in leisure activities. The authorities at different levels and civil society organizations were collaborating in the initiative with a view to ensuring that all children were able to engage regularly in at least one organized leisure activity.

58. **Ms. Giske** (Norway) said that the Government had implemented measures to mitigate climate change and strengthen national climate policy. Norway was an active participant in United Nations efforts to tackle climate change and had set ambitious targets under the Paris Agreement on Climate Change. The Climate Act set binding targets for the reduction of greenhouse gas emissions by 2030 and by 2050. Norway was also committed to combating climate change abroad and since 2008 had contributed almost NKr 23 billion to global efforts to reduce emissions from deforestation and forest degradation in developing countries. It also supported the development and transfer of technology to reduce fossil fuel dependence and promote renewable energy sources.

59. The Government had conducted a careful assessment of the planned disposal of mine tailings in Førde Fjord and had concluded that no significant harmful effects would be caused to the marine environment or to marine species or ecosystems. It had also concluded that disposal on land would not cause significantly less environmental impact. Strict conditions had been set with regard to the concentration and location of particles outside the disposal area. Extensive monitoring would be conducted to detect any effects on biological diversity in the fjord and nearby rivers and to ensure that there was no long-term impact on seafood safety. The tailings contained no heavy metals and the chemicals used to process them had no potential for accumulation in organisms. The Norwegian Environment Agency was therefore of the opinion that disposal of the tailings would not have any negative effects that could endanger a nutritious food source for children.

60. **Ms. Gulbrandsen** (Norway) said that surveys of homelessness were conducted every four years. The latest survey, in 2016, had found 229 homeless children, down from 679 in 2012. The Government provided allowances and assistance to enable disadvantaged families to rent or purchase housing.

61. **Ms. Berg** (Norway) said that relatively few children under the age of 15 disappeared from care centres. Moreover, the Office for Children, Youth and Family Affairs had reported that minor asylum seekers who left the centres had provided information about where they intended to go and had remained in contact with the centres.

62. Children could be removed from their homes and placed in care on the basis of an emergency order, but only in cases where the child was deemed to be at considerable risk of physical or psychological harm. An emergency order would not be carried out if voluntary measures could reduce the risk. The decision as to how to proceed was made on the basis of the overall best interests of the child. The Government's policy was that children should grow up in a family-based environment. Accordingly, 75 per cent of children in care were placed in a foster home.

63. **Mr. Kotrane** (Country Rapporteur) asked whether children in conflict with the law who were held in police custody had access to a lawyer and received a health check. He would also like to know the maximum duration of preventive detention and would appreciate information on the status of efforts to set up separate prison units for juvenile offenders.

64. **Ms. Ferguson** (Norway) said that a juvenile unit set up as part of a pilot project was now permanent and a second unit had been opened in the Oslo area. The delegation would provide written responses to Mr. Kotrane's other questions.

65. **Ms. Otani**, noting that the delegation had indicated that the escalation plan for preventing violence against children would focus on domestic violence, said that the Human Rights Committee had recommended that the State party should focus, in particular, on gender-based violence and sexual abuse, while the Committee on the Elimination of Discrimination against Women had recommended the adoption of a legal definition of rape (see CEDAW/C/NOR/CO/9, para. 25 (f)). She wondered whether the Government planned to follow up on the recommendations and whether the delegation could provide statistics on juvenile perpetrators of sexual offences and on any special care being provided for such children.

66. **Mr. Mezmur** said that he would like specific examples of situations in which the emergency removal of a child from a family would be considered justified. For example, if multiple children were found to be sleeping in the same bed, would that constitute sufficient reason for removing them?

67. **Ms. Aldoseri** said that she wished to know whether the Government conducted any kind of monitoring of instruction in private institutions, especially those run by religious groups, and what measures were taken to ensure that children receiving Qur'anic instruction at mosques were not radicalized. She would also like to know whether children without legal residency had the same access to health services as Norwegian children. As she understood it, such children were guaranteed care only in emergencies. In non-emergency cases, no treatment was provided unless the child was expected to remain in Norway for more than three weeks.

68. **Ms. Din** (Norway) said that all children in Norway were entitled to necessary health care. Those without legal residence were not normally assigned to a permanent general practitioner because it was assumed that they would be leaving the country in the near future; however, they were assigned to a permanent practitioner if their health-care needs could not otherwise be met. The public health services provided assistance and treatment to children and teenagers who exhibited problematic or harmful sexual behaviour. Unfortunately, she was unable to provide statistics on the number of juvenile perpetrators of sexual offences.

69. **Ms. Galand** (Norway) said that the Ministry of Culture had reviewed the regulations concerning financial support for religious communities and drafted a bill that would provide for the withdrawal of support from groups found to be organizing or encouraging educational activities that were clearly harmful to children. Religious communities that received public support would be required to report yearly on their educational activities.

70. **Ms. Enersen** (Norway) said that she wished to clarify why the Government considered that Norway should not become a party to the Optional Protocol to the Convention on a communications procedure at the present time, which did not mean that it would never do so. In 2016, the Government had presented a white paper to Parliament on communications procedures under several conventions, including the Convention on the

Rights of the Child, in which it had concluded that it would not recommend accession to the relevant protocols, owing to uncertainty about the possible political and legal consequences of accession. The Government's view was that many of the provisions on economic and social rights in the Convention were not well suited to international review in individual cases, as they set out vague and far-reaching goals that gave States considerable margin for interpretation. While the Government acknowledged that the submission of communications to the Committee could potentially help to strengthen children's enjoyment of some rights — for example, the right to the enjoyment of the highest attainable standard of health — it also considered that a lengthy review by the Committee would not necessarily be in the best interests of the children concerned. In January 2017, a large majority of Parliament had concurred with the Government's conclusions.

71. **Mr. Kotrane** said that the Committee was convinced that the vast majority of children and adolescents in Norway were well cared for and their rights were respected. Nevertheless, in its concluding observations, the Committee would highlight some areas in which the State party might go even further to protect the rights of all children, including refugee children.

72. **Ms. Stenseth** (Norway) said that the Government was pursuing a policy that would lay the groundwork for all children to enjoy a safe and happy childhood and equal opportunities. The authorities believed that Norway was currently a good place for children to grow up, but acknowledged that there was still room for improvement. The dialogue with the Committee had afforded the delegation an opportunity to think carefully about what was being done to provide children in Norway with the best formative conditions and to uphold their rights.

The meeting rose at 1 p.m.